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ABSTRACT

Today, a parent's right to choose a private education for his or her children is reflected in the statutes of all 50 states. State regulation of private schools, however, is not without limitations. The challenge to state legislators in regulating private schools is to draft legislation that: (1) respects the fundamental right of parents to direct the education of their children; (2) protects the states' interest in an informed citizenry but avoids interference with religious beliefs unless compelling interests are at issue; and (3) avoids comprehensive regulation of private education that would deprive parents of any choice in education. This handbook presents findings of a study, initiated by the Office of Nonpublic Education, U.S. Department of Education, that conducted a state-by-state analysis of state laws regulating private education. The study, which includes all 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia, identified the following general areas of regulation advanced by state legislators: recordkeeping and reports, licensing/registration/accreditation, health and safety, curriculum, and public funding. The data show that none of the states regulates private schools in the same way. The report contains comparison charts depicting state oversight of private schools, state-mandated educational requirements, and public assistance to private schools and private school children. (LMI)

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The Regulation of Private Schools In America

A State-by-State Analysis

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The Regulation of

Private Schools In America

A State-by-State Analysis

Compiled by
L. Patricia Williams

Office of Nonpublic Education
U.S. Department of Education

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Special Thanks

Special thanks is extended to the many individuals who assisted in the work of this manual. State liaisons from all 50 state departments of education, Washington, DC, Puerto Rico, and the Virgin Islands, worked to ensure that the information provided here is accurate and up-to-date. Representatives from national and state private school associations also reviewed the manuscript for its reliability. Without the help of these dedicated individuals, the manual could not have been successfully completed.

In addition, special thanks is owed to Peter Spurzem, 1993 summer intern, and the office support staff; but, most especially to Patricia Williams, whose vision and dedication to the project are responsible for the completion of the manual.

Our readers are cautioned that in reviewing any particular legal questions, the underlying state constitutions, laws, and relevant court decisions should be consulted. Nothing in this study reflects the position of the U.S. Department of Education as to the meaning or effect of any state legal requirement.

Michelle L. Doyle
Director, Office of Nonpublic Education
U. S. Department of Education

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INTRODUCTION

Under the United States Constitution, parents have a fundamental right to direct the education of their children. In 1925 the Supreme Court recognized that "liberty," protected by the Fourteenth Amendment, includes the right to choose a private education. Confronted with an Oregon statute mandating public school attendance, the Supreme Court ruled the statute unconstitutional. *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925). In the words of the Court,

> The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. 268 U.S. at 535.

Today, a parent's right to choose a private education is reflected in the statutes of all fifty states. The compulsory school attendance laws typically specify private education as an alternative or exception to public school attendance requirements. (*See e.g.* the sections on Nevada, North Dakota, and Rhode Island laws.)

It is also well-established that states have the power to regulate private schools. Based on the "high responsibility for education of its citizens, [a State] may impose reasonable regulations for the control and duration of basic education." *Wisconsin v. Yoder*, 406 U.S. 205, 213 (1972). *See also Board of Ed. of Cent. Sch. Dist. No.1 v. Allen*, 392 U.S. 236, 246-247 (1968). The state's interest in an informed and self-sufficient citizenry capable of participating in a democratic society is generally cited to support the regulation of private schools. *Yoder* at 221; *Kentucky State Board v. Rudasill*, 589 S.W.2d 877, 883 (1979).

The right to regulate is not without limitations, however. Since 80 percent of America's private schools are religious institutions, any regulation of these schools must conform with the First Amendment's guarantee of the free exercise of religion. A state regulation that interferes with a legitimate religious belief will stand only if the regulation serves a compelling state interest in the least restrictive means. *Yoder* at 214-215. This limitation on government action was recently codified in the Religious Freedom Restoration Act of 1993, 42 U.S.C. § 2000bb et seq, enacted by Congress. The principle is generally reflected in most, if not all, of the state codes. For example, special provisions are included for church-related schools, as in the laws of Alabama and Tennessee, or exemptions are provided for schools operated by religious organizations, as in the laws of Wyoming and Nebraska.

A state's excessive regulation may in fact eliminate a parent's right to direct the education of their child. In 1923, the Supreme Court struck down a Nebraska statute that prohibited the teaching of German to elementary school age children. The Court determined that the law unreasonably interfered with the power of parents to control their children's education. *Meyer v. State of Nebraska*, 262 U.S. 390 (1923). Similarly, in 1927, the Supreme Court held a Hawaiian law unconstitutional that

regulated the teachers, curriculum, and textbooks of private language schools and placed control of the schools in public officers. "Enforcement," the Court said, "would deprive parents of fair opportunity to procure for their children instruction which they think important and we cannot say is harmful." *Farrington v. T. Tokushige*, 273 U.S. 284, 298 (1927).

In 1976, the Ohio Supreme Court applied *Farrington* in a constitutional challenge to the state's "minimum standards" governing nonpublic schools. The state court determined that the standards were "so pervasive and all-encompassing that total compliance with each and every standard by a non-public school would effectively eradicate the distinction between public and non-public education, and thereby deprive these appellants of their traditional interest as parents to direct the upbringing and education of their children." *Ohio v. Whisner*, 351 N.E.2d 750, 768 (1976). *But see, State v. Faith Baptist Church of Louisville, Nebraska*, 301 N.W.2d 571, 579 (1981) (state requirements did not reach an impermissible level), *appeal dismissed for want of a substantial federal question*, 454 U.S. 803 (1981).

The challenge to state legislators in regulating private schools, then, is to draft legislation that 1) respects the fundamental right of parents to direct the education of their children, 2) protects the states interest in an informed citizenry but avoids interference with religious beliefs unless compelling interests are at issue, and then only in the least restrictive manner, and 3) avoids comprehensive regulation of private education that would deprive parents of any choice in education.

This study, initiated by the Office for Private Education, culminates extensive hours of research by individuals at both the state and federal level. The task began with a computer search of the state databases for statutes, caselaw, and regulations affecting private schools. The data was reviewed, analyzed and condensed. As much as possible the terms adopted by the states were used to retain the distinctive characteristics of the provisions. Each state summary was submitted to the appropriate state department of education for their consideration and approval. Private school leaders also participated in the review. Nonetheless, nothing in this study reflects the position of the U.S. Department of Education as to the meaning or effect of any state legal requirement. The underlying state constitution, laws and relevant court decisions should be consulted in reviewing any particular legal questions.

The study revealed five general areas of regulation advanced by state legislatures. They are: recordkeeping and reports, licensing/registration/accreditation, health and safety, curriculum, and public funding.

1. Recordkeeping and Reports: To ensure compliance with compulsory school attendance statutes, states often require private schools to maintain student attendance records. Annual or periodic reports must then be forwarded to state or local education agencies. Nineteen states require the maintenance of student attendance records. Thirty-one states and the Virgin Islands require periodic reports of attendance and/or enrollment to a government agency.

2. Licensing/registering/accreditation: Certifying private schools for compulsory education purposes is generally done by licensing, registration, accreditation, or approval processes. The majority

of states that choose to certify private schools simply "approve" elementary and secondary private schools.[1] The criteria for approval usually includes compliance with basic education requirements and health and safety standards. Ten states have voluntary approval provisions for private schools. Eight states have mandatory approval provisions; two of these states provide exemptions or alternatives to approval while three of these states mandate approval only on a limited basis.

Only South Dakota mandates the accreditation of all private elementary and secondary schools. Some states accept accreditation in lieu of approval (Nebraska, Maine,), registration (Kansas), certification (Kentucky), and licensing (Nevada). Thirteen states will accredit private schools, upon request, generally in the same manner as public schools.

3. Health and Safety: The majority of states have statutes requiring certificates of immunization prior to enrollment, allowing for religious or medical exemptions. In addition, safety standards generally include regular fire drills, drug and alcohol free zones and protective eyewear for certain laboratory classes. Several states have enacted statutes that restrict smoking in private school buildings, outlaw disturbances on private school property and assist law enforcement officials in finding missing children. A few states require criminal record checks for teachers or employees directly working with students.

4. Curriculum: Curriculum requirements are generally broad -- referring only to the "subjects usually taught in the public school" or itemizing basic subject areas such as reading, writing, English, arithmetic and history. Many states specify studies in the state and federal constitutions. Texas merely requires "a study of good citizenship." Iowa goes further and requires "a multicultural, nonsexist approach" with a "global perspective [be] incorporated into all levels of the educational program" for state accredited nonpublic schools. Some states additionally require health education in private schools. (*E.g.* See Illinois.)

5. Public Funding for Private Education: The public funding of private education is restricted under the United States Constitution. State statutes reflect the numerous decisions handed down by the Supreme Court on the matter. The Establishment Clause of the First Amendment prohibits "government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith." *Grand Rapids v. Ball*, 473 U.S. 373, 385 (1985). But there is no absolute prohibition against private school children, or even religious institutions, participating in government-sponsored social welfare programs. *Bowen v. Kendrick*, 487 U.S. 589, 609 (1988). The juggling of these two important principles has produced a wealth of Supreme Court decisions.

The Supreme Court has upheld a New Jersey statute that made transportation equally available to both public and private school children, *Everson v. Board of Education of Ewing Tp.*, 330 U.S. 1 (1947); upheld a New York statute providing free textbooks on loan to parochial school students, *Board of Education of Cent. Sch. Dist. No. 1 v. Allen*, 392 U.S. 236 (1968); invalidated Rhode Island and

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[1]It should be noted that twelve states do not engage in any certification of private schools.

Pennsylvania provisions that paid salary supplements to nonpublic school teachers of secular subjects, *Lemon v. Kurtzman*, 403 U.S. 602 (1971); struck down a New York statute that reimbursed religious schools for teacher-prepared tests, *Levitt v. Committee for Public Education*, 413 U.S. 472 (1973); upheld an Ohio statute permitting diagnostic and therapeutic services to nonpublic school students but struck down the provision of instructional materials and field trip transportation left within the control of the nonpublic school, *Wolman v. Walter*, 433 U.S. 229 (1977); upheld a New York statute reimbursing nonpublic schools for state mandated recordkeeping and testing, *Committee for Public Education & Religious Liberty v. Regan*, 444 U.S. 646 (1980); upheld a Minnesota statute providing an income tax deduction for tuition, textbooks, and transportation that benefitted parents of children attending public, sectarian and nonsectarian schools, *Mueller v. Allen*, 463 U.S. 388 (1983); prohibited New York's placement of remedial reading public school teachers in parochial schools under a federal program, *Aguilar v. Felton*, 473 U.S. 402 (1985); and, permitted an Arizona school district under a federal program to place a publicly funded sign language interpreter in a sectarian high school to assist a disabled student, *Zobrest v. Catalina Foothills School District*, __ U.S. __, 113 S.Ct. 2462 (1993). (For an overview of the Court's early decisions, *see School Dist. of City of Grand Rapids v. Ball*, 473 U.S. 373, 392-395 (1985).)

For the last 20 years, the Supreme Court has generally been guided by the landmark decision, *Lemon v. Kurtzman*, 403 U.S. 602 (1971), when deciding the validity of public funding statutes. *Lemon* sets out a three-part test to determine when public funding is permissible.

1. the funding statute must have a secular legislative purpose;
2. its principal or primary effect must be one that neither advances nor inhibits religion; and
3. the statute must not foster an excessive entanglement with religion. *Lemon* at 613.

The state statutes incorporate these Supreme Court decisions on the types of permissible public aid. Twenty-seven states and the Virgin Islands have provisions permitting public funding of transportation; Idaho law dictates that the costs must be recovered. Seventeen states have the power or duty to loan free textbooks to private school students. Some states provide significant assistance for health needs such as immunization, vision and hearing services, and diagnostic testing. (*See e.g.* the laws of Michigan, New Hampshire, and New Jersey.)

While the parameters of state regulation of private schools is to a large extent shaped by our federal constitution, it should also be noted that federal law on occasion directly influences the operations of private schools. For example, federal law prohibits discrimination in the admission policies of nonsectarian schools, 42 U.S.C. § 1981; *Runyon v. McCrary*, 427 U.S. 160 (1976). And the relationship between state governments and private schools can be forged through federal grant statutes. For example, regulations implementing several federal funding grants direct that states and local educational agencies provide private school children with a genuine opportunity to participate, ensuring consultation with the private schools and comparable benefits for the private school students. 34 C.F.R. 76.650 *et seq.* But the actual regulation of private schools remains the prerogative of the state governments.

The study illustrates our country's remarkable ability under federalism to approach the same

issue in a variety of ways. Not one of the states regulates private schools in the same way. Rather, the statutes reflect the unique circumstances and concerns faced by the local communities. It has been the goal of the Office of Private Education to provide a concise summary of the relevant state laws in an accessible format. It is our hope that the information gathered here will serve the needs of state and federal legislators, public and private school administrators and the general public.

L. Patricia Williams
Special Assistant
Office of Private Education

STATE SUMMARIES

ALABAMA

Alabama distinguishes between "private schools" and "church schools" in some but not all of its governing provisions. Church schools are exempt from certain reporting requirements, curriculum mandates and delivery standards, but can waive the exemptions.

Registration/Licensing/Accreditation: All private schools, except church schools, must register annually on or before October 10 with the Alabama Department of Education and report on the number of students and instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school. Ala. Code § 16-1-11. The state superintendent of education furnishes the necessary forms for reporting. Ala. Code § 16-4-16.

"Church schools" are defined as schools offering "instruction in grades K-12, or any combination thereof including the kindergarten, elementary, or secondary level and are operated as a ministry of a local church, group of churches, denomination, and/or association of churches on a nonprofit basis which do not receive any state or federal funding." Ala. Code 16-28-1.

Licensing by the Alabama Department of Education is required annually prior to the operation of a private school. Ala. Code § 16-46-5. However, most private elementary and secondary schools would qualify for exemptions, as schools operated by "a parochial, denominational, or religious organization, and/or as a ministry of a local church or group of churches on a nonprofit basis" or schools operated by "a community, educational organization, or group of parents, organized as a nonprofit educational corporation with the expectation of establishing a more favorable environment for those in attendance." Ala. Code § 16-46-3. Exempted private schools may voluntarily request to be licensed without surety. Ala. Code § 16-46-3(d). Licensing is based on specific criteria, such as, the quality and content of curriculum, adequate space, equipment, instructional materials and personnel, recordkeeping, and financial stability. Ala. Code § 16-46-5(i)(1)-(7). Ala. Admin. Code r. 290-030-050.

By definition, a private school, but not a church school, holds a certificate issued by the state superintendent of education showing that the school conforms to the following requirements:
(1) instruction is given by persons holding certificates issued by the state superintendent of education;
(2) instruction is given in the several branches of study required to be taught in the public schools;
(3) the English language is used in giving instruction; 4) a register of attendance is kept indicating every absence of each child from school for a half day or more. Ala. Code § 16-28-1(1).

Recordkeeping/Reports: The principal teacher of private and church schools must keep an attendance register showing the enrollment of the school and every absence of each enrolled child from school for a half day or more. Ala. Code § 16-28-8. The registry is admissible as evidence in compulsory attendance hearings. Ala. Code of Ala. 1975 § 16-28-23.

Private schools, i.e. a profit or nonprofit entity as opposed to publicly owned or operated schools, which cease operations shall place student academic attendance and financial aid records in the following repository: (1) if merged, consolidated, or change of ownership, in the continuing school; (2) if part of a system, organization, franchise, or church ministry, in the administrative office; (3) if without system support, with the local superintendent of the public county or city. Code of Ala. 1975 § 16-46-3(e).

At the end of the fifth day from the opening of the public school, the principal teacher of each private school, but not church school, must report to the local superintendent the names and addresses of all children age 7-16 enrolled; and thereafter, at least weekly the names of students absent without excuse. Code of Ala. 1975 § 16-28-7.

At church schools, enrollment and attendance must be reported to the local public school superintendent by the parent or guardian on a form provided by the superintendent. The administrator of the church school countersigns the enrollment form. If a child leaves the church school, the church school will notify the local public school superintendent, by prior consent of the parent or guardian. Ala. Code § 16-28-7.

Length of School Year/Day: Under the compulsory attendance law, children attending private schools, but not church schools, are required to attend "the entire length of the school term." Ala. Code § 16-28-3.

Instruction in English: Private schools, but not church schools, are required to use the English language in giving instruction. Ala. Code § 16-28-1(1).

Teacher Certification: Instruction at private schools, but not church schools, must be provided by persons holding certificates issued by the state superintendent of education. Ala. Code § 16-28-1 (1)a, (2).

Curriculum: Private schools, but not church schools, are required to offer instruction in "the several branches of study required to be taught in the public schools." Ala. Code § 16-28-1(1).

Private schools, but not church schools, must provide a physical education program which conforms to the program outlined by the Alabama Department of Education. Ala. Code § 16-40-1.

Health: A certificate of immunization or testing (as designated by the state health officer) is required prior to admittance to a private school. Ala. Code § 16-30-4.

No teacher or school administrator employed by a nonpublic school is excluded from participating in in-service teacher education institutes or curriculum development programs for drug abuse prevention provided under Chapter 41, Drug Abuse Education. Ala. Code § 16-41-5.

Safety: Alabama requires all private schools to conduct monthly fire drills and to have all doors and exits open out, and that all such doors and exits be unlocked during school hours. Ala. Code § 36-19-10.

Private school employers must check the sex crime records of job applicants or volunteers for positions having supervisory or disciplinary power over minors under 18 years of age. The Department of Public Safety will furnish the information to the requesting employer and may charge the employer a fee for the actual cost. Ala. Code § 26-20-1.

Private schools must fully meet the building code requirements unless the building was used for that purpose prior to the effective date of the code. Ala. Code § 41-9-163(c).

An additional penalty of 5 years incarceration, with no provision for probation, is imposed for the unlawful sale of a controlled substance on the campus of a private school or within a three-mile radius of the campus. Ala. Code § 13a-12-250.

Transportation: A license tax or registration fee of $13.00 is imposed on motor buses owned by a church or a private school that are used only for the purposes of the institution. Ala. Code § 40-12-246 (d).

Public Aid for Private Schools/Private School Students: No money raised for the support of the public schools can be appropriated to or used for the support of any sectarian or denomination school. Alabama Constitution, Article 14, Section 263.

The Alabama state legislature is prohibited from taxing school property, real or personal. Alabama Constitution, Article 4, Section 91.

No teacher or school administrator employed by a nonpublic school is excluded from participating in in-service teacher education institutes or curriculum development programs for drug abuse prevention provided under Chapter 41, Drug Abuse Education. Ala. Code § 16-41-5.

ALASKA

Private schools that elect to comply with Alaska Stat. §§ 14.45.100-130 are considered "exempt schools", i.e. exempt from other state education requirements. However, health and safety provisions apply equally to "exempt" and "non-exempt" private schools. Alaska Stat. § 14.45.100.

Registration/Licensing/Accreditation: The Alaskan Department of Education is not authorized to require the licensing of religious or other private schools. Alaska Stat. § 14.07.020(10).

Under Alaskan law, the Department of Education has a duty to accredit private schools that request accreditation and that meet accreditation standards prescribed by regulation by the Department. Alaska Stat. § 14.07.020(10). (In practice, Alaska does not accredit private schools and has not adopted accreditation regulations, but has an informal agreement with the Northwest Association of Schools and Colleges to provide accreditation to public and private schools that request accreditation.)

Recordkeeping/Reports: An "exempt" school must maintain monthly attendance records for each student enrolled. Alaska Stat. § 14.45.110(b). "Exempt" schools must maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement, and courses taken. The chief administrative officer must certify that the records are being maintained. Alaska Stat. § 14.45.130.

"Non-exempt" private schools must make regular monthly attendance reports and annual reports to the Commissioner of Education in the same manner as teachers and superintendents in the public schools. Alaska Stat. § 14.45.030. "Exempt" schools must make an annual report to the Commissioner of Education of the number of students in each grade and the school calendar. Alaska Stat. § 14.45.110(b).

Parents/guardians of children attending "exempt" schools must file an annual notice of enrollment with the local public school superintendent. The form must be signed by the parent/guardian and chief administrative officer of the exempt school and then submitted to the local public school superintendent by the parent. If the child withdraws, the "exempt" school must notify the public school superintendent within a reasonable time. Alaska Stat. § 14.45.110(a)

Length of School Year/Day: "Exempt" schools must operate on a regular schedule excluding reasonable holidays and vacations during at least 180 days of the year. Alaska Stat. § 14.45.110(b).

Non-exempt private schools must comply with the laws and regulations relating to education. Alaska Stat. § 14.45.030. To satisfy the state compulsory attendance requirement, students at non-exempt private schools must receive an academic education comparable to the local public schools. Alaska Stat.

§ 14.30.010(b)(1). A public school term must include not less than 180 days, unless approved by the Commissioner. Alaska Stat. § 14.03.030.

Teacher Certification: "Non-exempt" private schools must employ teachers certificated according to Alaska Stat. § 14.20.020. Alaska Stat. § 14.30.010(b)(1)(A).

Curriculum: Private education satisfies the Alaskan compulsory school attendance law if the academic education provided is comparable to that offered by the public schools in the area. Alaska Stat. § 14.30.010(b)(1).

"Exempt" schools must administer a nationally standardized test selected by the chief administrative officer of the school to all students enrolled in grades four, six, and eight at least once each school year. The test must measure achievement in English grammar, reading, spelling and mathematics. The school must maintain records of the results and make them available to parents/guardians. Composite test results for the school must be made available annually to the Alaskan Department of Education. These results are not public information unless the public school is also required to release identical information. Alaskan Stat. § 14.45.120

Safety: The Alaskan Department of Education has a duty to prescribe by regulation standards to assure healthful and safe conditions in the private schools. Standards for private schools may not be more stringent than those for public schools. Alaskan Stat. § 14.07.020(7)(10).

Private schools must instruct pupils by means of drills to safely exit school buildings in an emergency. Drills must be conducted once each month during the school term, weather permitting. Alaska Stat. § 14.03.140.

School teachers and school administrative staff members of private schools who in the performance of their occupational duties have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect must immediately report the harm to the Alaska Department of Education. A person required to report child abuse or neglect to the Department is not relieved of the obligation by notifying his supervisor of the harm. If the alleged abuse occurred at a private school and was caused by a school employee, the law enforcement agency will notify the chief administrator of the school. In the event the allegation of abuse is against the chief administrator or his immediate family, the agency will notify the Commissioner of Education. The notification must set out the factual determination of the law enforcement agency. Alaska Stat. § 47.17.020(a)(2), (f), (g).

Transportation: The Alaskan Department of Education provides transportation for nonpublic school students who travel comparable distances and the same routes as public school students. Alaska Stat. § 14.09.020

Public Aid for Private Schools/Private School Students: Private schools and religious schools by definition do not receive direct state or federal funding. Alaska Stat. § 14.45.200.

The Alaska Constitution provides "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." Alaska Constitution, Education, and Welfare, Art. VII, Sec.1.

The Alaska Constitution exempts property used exclusively for nonprofit religious, charitable, or educational purposes from taxation. Alaska Constitution, Finance and Taxation Art.IX, Sec. 1.

Miscellaneous: Private schools may apply for membership in the Alaska School Activities Association, an association established to promote and govern interscholastic activities. Alaska Admin. Code tit. 4, § 06.115.

ARIZONA

Under the Arizona General Education Provisions, the State Board of Education and the governing boards of school districts neither control nor supervise private schools. Arizona Rev. Stat. Ann. § 15-161.

Recordkeeping/Reports: On enrollment, private schools must maintain a copy of reliable proof of the pupil's identity and age, e.g. birth certificate or baptismal certificate, in the pupil's file. Any inaccurate or suspicious affidavit must be reported to the local law enforcement agency. Within 5 days of a request, private schools must forward a copy of a transferring pupil's record, notwithstanding any financial debt owed by the pupil. Ariz. Rev. Stat. Ann. §§ 15-828A, C, E, F.

By November 30 of each school year, private schools must report the following to the health department and the department of health services on forms provided: 1) the number of pupils immunized/or who have submitted laboratory evidence of immunity; 2) the number of students with incomplete immunization; 3) the number of students exempt from immunization. Ariz. Rev. Stat. Ann. § 15-874D.

Parents enrolling students in private schools must file an affidavit with the county superintendent stating that the student is attending a school for the full-time that the schools in the school district are in session and the name and address of the school that the child is attending. Ariz. Rev. Stat. Ann. § 15-802B.2.

The superintendent of public instruction must make an annual report to the governor and state legislature of the number of children attending private schools. Ariz. Rev. Stat. Ann. § 15-255.

Length of School Year/Days: To comply with the Arizona compulsory school attendance statute, private school students must attend school for the full time school is in session in the local school district. Ariz. Rev. Stat. Ann. § 15-802B.2.

Discrimination: See **Special Education**.

Special Education: School districts or county school superintendents may contract with private schools to provide education and related services for public school students with disabilities. Ariz. Rev. Stat. Ann. § 15-765D.

Arizona provides vouchers for special education students publicly placed in private special education facilities providing 24-hour residential care. Private schools accepting vouchers may not discriminate on the basis of race, religion, creed, color, national origin or disability. Ariz. Rev. Stat. Ann. § 15-1184.

Health: Children are not allowed to attend school without submitting documentary proof of immunization to the school administrator, unless they are exempt under § 15-873, or in the process of immunization. Ariz. Rev. Stat. Ann. 15-872.

Safety: The fire marshall is responsible for establishing programs for evacuating school buildings and instructing students in private schools on the importance of fire preventions and control. Ariz. Rev. Stat. Ann. §§ 41-2165; 2163A.4.

Arizona requires students, teachers, and visitors in private schools to wear eye protective ware while participating or observing certain educational activities in vocational, technical, industrial arts, art or laboratory science. Private or parochial schools must equip their schools with the appropriate eye protective ware. Ariz. Rev. Stat. Ann. § 15-151.

Arizona places additional criminal penalties on persons convicted of selling illegal drugs in a drug free school zone. The administrative officer of a nonpublic school shall place and maintain signs identifying the school and its grounds as a drug free school zone. Illegal drug transactions observed by school personnel must be reported. School records of alleged student violations must be made available to the peace officer upon written request. Ariz. Rev. Stat. Ann. § 13-3411.

Public Aid for Private Schools/Private School Students: No public money or property may be appropriated or applied to any religious instruction or support of any religious establishment. Arizona Const. Art. 2, Sec. 12. No tax may be laid or appropriation of public money made in aid of any private or sectarian school. Arizona Const. Art. 9, Sec. 7. The state school fund may only be apportioned for public education. Arizona Const. Art. 11, Sec. 8.

Property of educational, charitable and religious associations or institutions not used or held for profit may be exempt from taxation by law. Arizona Const. Art. 9, Sec. 2.

Private schools may participate in school meal programs offered by the state and through federal assistance programs. Ariz. Rev. Stat. Ann. § 15-1151.

ARKANSAS

Arkansas primarily regulates private schools in matters of health, safety and civic duty.

Instruction in English: The basic language of instruction in all schools of the state, including private schools, is the English language only. Violators are guilty of a misdemeanor; the fine not to exceed $25. Ark. Code Ann. § 6-16-104.

Special Education: Children attending private schools may voluntarily submit to tests and evaluations for suspected disabilities and assessments for individual education plans but are not required. Ark. Code Ann. § 6-41-219.

When the state or school districts utilize private schools to serve handicapped students, the State Board of Education and the local school districts continue to bear responsibility to assure an appropriate quantity and quality of instructional and related services. Ark. Code Ann. § 6-41-206. Prior to expending funding for new programs to handicapped students in nonpublic schools, the Division of Vocational and Technical Education of the Department of Education will publish a notice of intent and invite proposals from special service providers. Ark. Code Ann. § 6-41-101.

Health: Prior to admission to a private school, a child must be immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles and rubella. Children whose parents or guardians object based on religious tenets and practices of a recognized church or religious denomination are exempt. Ark. Code Ann. § 6-18-702 (a), (f).

Private schools must institute as soon as possible a continuing scoliosis screening program in accordance with State Board of Health regulations. Ark. Code Ann. § 20-15-802.

Safety: Private schools are required to have one fire drill each month and to keep all doors and exits unlocked during schools hours. Ark. Code Ann. § 12-13-109.

Private school teachers who have reasonable cause to suspect that a child has been subjected to child maltreatment must immediately notify the Department of Human Services Central Intake Unit or law enforcement. Ark. Code. Ann. § 12-12-507.

Persons loitering on or near private school grounds during school hours or at any school-sponsored activities after regular school hours without any lawful purpose are guilty of a misdemeanor. Ark. Code Ann. § 6-21-607. Persons disturbing private schools by their conduct or trespassing on school grounds during recess or while school is in session are guilty of a misdemeanor. Ark. Code Ann. § 6-21-606.

Public Aid for Private Schools/Private School Students: The Arkansas Constitution prohibits the use of money or property belonging to the public school fund or to the State for any other purpose. Ark. Const. Art. 14, Sec. 2.

Arkansas exempts "school buildings and apparatus; libraries and grounds used exclusively for all real and tangible personal school purposes" from all real and tangible personal property taxes. This exemption applies to private schools as well as public schools. Philips Co. v. Sister Estelle, 42 Ark. 536 (1884).

Miscellaneous: Private school authorities are required to procure a suitable United State flag and flagstaff to display the flag properly upon, near, or in the school buildings during the hours school is in session and at other times as school authorities direct. Ark. Code Ann. § 6-16-105(b).

CALIFORNIA

California provides significant educational opportunities and health programs to private school students.

Recordkeeping/Reports: Private schools are required to maintain a record of attendance for students. Every absence for a half day or more must be documented. Cal. Ed. Code § 48222.

Private school parents have an absolute right to access any and all pupil records related to their children that are maintained by the school. Editing or withholding records is prohibited. Cal. Ed. Code §§ 49069, 49061.

Whenever a pupil transfers from a public school district to private school, or transfers from a private school to a school district, the pupil's permanent record or a copy thereof must be transferred by the former district or private school upon request. Parents have a right to receive a copy of the record and to challenge the content of the record at a hearing. Cal. Educ. Code § 49068, 49070.

Private schools must maintain for one year a record of the school bus safety instruction provided by the school. The record must indicate the name and location of school, date of instruction, supervising adults, number of participating students, grade levels, subjects covered, time taken for instruction, bus driver's name, and bus number. The record is subject to inspection by the Department of the California Highway Patrol. Cal. Educ. Code § 39831.5. (See **Transportation**.)

Private schools are required to file an affidavit with the Superintendent of Public Instruction between the first and fifteenth day of October of each year. The affidavit must contain the following information: 1) all names under which it has done and is doing business; 2) address of every place of business in California; 3) location of records and custodian of records; 4) names and addresses of directors and principal officers; 5) school enrollment by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities; 6) that school attendance records, courses of study, and faculty information records maintained by the school are true and accurate; and 7) that criminal record summary information for employees has been obtained pursuant to Section 44237. Cal Educ. Code § 33190. Where the instructor also serves as the school administrator, the affidavit must be made available upon request to the parents/guardians of students or prospective students. Cal Educ. Code § 33191.

County boards of education may require private schools to report the withdrawal of any student, whether by severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 school days. The report must include names, ages, last known address and the reason for withdrawal. Cal Educ. Code § 48202(a). Private schools are required to report the withdrawal (as defined above) or denial of admission of physically handicapped, mentally retarded, or multiple handicapped students to the county superintendent. Cal Educ. Code § 48203.

Instruction in English: English is the basic language of instruction in all schools. The governing board of any private school may determine when and under what circumstances instruction may be given bilingually. Pupils proficient in English and fluent in a foreign language may be instructed in classes conducted in that foreign language. Cal Educ. Code § 30.

Private schools must be taught in the English language except when educationally advantageous to pupils. Cal. Educ. Code §§ 48222,30.

Discrimination: Individuals with disabilities are entitled to full and equal access as other members of the general public to private schools. Cal. Civ. Code § 54.1.

Teacher Certification: Children instructed in private full-time day schools by "persons capable of teaching" are exempt from public school attendance under the compulsory education law. Cal. Educ. Code § 48222.

The California Commission on Teacher Credentialing must forward to private schools on a monthly basis a list of all teachers who have had their state teaching credential revoked or suspended. The Commission must also send on a quarterly basis a complete and updated list of all teachers who have had their teaching credentials revoked or suspended, excluding teachers who have had their credentials reinstated, or who are deceased. Cal Educ. Code § 44237(g). Private schools may request information regarding the fitness of any applicant for a teaching position from the Commission. Cal Educ. Code § 44341(d).

Curriculum: Students attending private schools are exempt from California's compulsory attendance law if the schools offer instruction in the several branches of study required in the public schools of the state. Cal. Educ. Code § 48222.

Special Education: California's Community Mental Health Services publicly place students with serious emotional disturbances in private schools. Cal. Welf. & Inst. Code §§ 5852.5, 5864, 5865, 5877.

Private schools serving exceptional need students under a state contract must comply with state provisions governing the suspension of pupils with previously identified exceptional needs and the use of behavioral interventions with exceptional need students. Cal. Educ. Code § 48911, 48911.5.

Nonpublic schools are represented on California's Local Pilot Program Advisory Committee serving students with exceptional needs. The pilot program was established for the 1992-93, 1993-94, and 1994-95 fiscal years to design effective mainstreaming programs in the public schools for students currently publicly placed in private facilities. Cal. Educ. Code § 56728.7(d)(1).

California publicly places students with exceptional needs in nonpublic, nonsectarian schools. Individual education program team members and or parents may request a private school placement based on the educational needs of the child. Cal. Educ. Code §§ 56342, 56365, 56365.5, 56730.6.

Health: California provides financial assistance to private and parochial schools under the Child Nutrition Program. The funding reimburses the school cafeteria accounts based upon the number of qualifying meals served to students. Cal. Educ. Code §§ 41311, 49530.5, 49531.

Private elementary and secondary schools cannot unconditionally admit a student unless he has been fully immunized for: diphtheria, haemophilus influenzae type b (except for children who have reached the age of 4 years, six months), measles, mumps and pertussis (except for students who have reached 7 years), poliomyelitis, rubella, tetanus and any other disease deemed appropriate by the State Department of Health Services. Cal. Health and Safety Code § 3381.

Prior to employment at a private or parochial elementary or secondary school, individuals must present a certificate showing that they have been examined within the last 60 days found to be free of communicable tuberculosis. Additional testing is required at least once each four years or more if directed by the school. The private school is responsible for maintaining up-to-date certificates for each person covered. Private schools have the discretion to waive this requirement for employees who are employed less than a school year and who do not have frequent or prolonged contact with pupils. Employees transporting students must provide a certificate unless they transport students on an infrequent basis not to exceed once a month. Cal. Health & Safety Code §§ 3450, 3453. Volunteers must also present a certificate that they have been found free of communicable tuberculosis within the last 4 years. At the discretion of the governing authority of a private school, this section shall not apply to volunteers whose functions do not necessitate frequent or prolonged contact with pupils. Cal. Health & Safety Code § 3454.

Under the Child Health and Disability Prevention Program for Medicaid Recipients, private schools with first grade students and/or kindergartners are required to report by January 15 of each year to the State Department of Health Services and the State Department of Education: (1) the total number of children enrolled in first grade; (2) the number of children who have had a health screening examination; and (3) the number of children whose parents waived the health screening examination. Private schools serving first graders and/or kindergartners must inform parents of this provision. Cal. Health & Safety Code § 324.2.

Private elementary and secondary students are eligible to receive the topical application of fluoride or other decay-inhibiting agent to the teeth through the State Department of Health Services within the school year. Cal. Health & Safety Code §§ 3500, 3501, 3503, 3504 and 3505.

Safety: Private school buildings are subject to an annual inspection through the State Fire Marshall's office. Cal. Health & Safety Code § 13146.3.

Private schools entirely enclosed (except for building walls) by fences or walls must maintain gates of sufficient size to permit the entrance of ambulances, police equipment, and fire fighting apparatus. Locking devices must be designed to permit ready entrance by chain or bolt cutting devices. Cal. Educ. Code § 32020.

The local sheriff or chief of police will immediately notify a private school if any of the school employees are arrested for controlled substance offenses. Cal. Health & Safety Code § 11591(3).

California requires new noncertified employees at private elementary and high schools having contact with minor pupils to obtain criminal record summaries from the Department of Justice (DOJ) and the Federal Bureau of Investigation. DOJ will provide the records to the designated private school employers to be maintained in a secured file separate from personnel files. The criminal record summary will include only arrests resulting in conviction or pending final adjudication for any sex offense, controlled substance offense, or crime of violence. Cal. Educ. Code § 44237(a), (b), (c).

Private schools have a duty to equip schools with eye protective devices for students, teachers and visitors and to require eye protective devices to be worn when observing or participating in an activity where the use of hazardous substances are likely to cause injury to the eyes. Cal. Educ. Code §§ 32030-32032.

Private schools are required to equip the school with a first aid kit to accompany pupils whenever they are taken on school-sponsored field trips. Cal. Educ. Code § 32040. When field trips are taken into areas commonly known to be infested by poisonous snakes, the first aid kit must contain medically accepted snakebite remedies. The field trip must be accompanied by an agent of the school who has completed a course in first aid certified by the American Red Cross which emphasizes the treatment of snakebites. Cal. Educ. Code § 32043.

Art and craft materials deemed to contain a toxic substance by the Office of Environmental Health Hazard Assessment or a toxic substance causing chronic illness are prohibited for use by students in K-6 grade private schools. Materials containing toxic substances causing chronic illness may not be used by students in 7-12 grade private schools unless it meets labeling standards. Cal. Educ. Code §§ 32064-66.

Any public school building approved by the Department of General Services for occupancy is deemed to meet the local building requirements for use as a private school. Cal. Educ. Code § 39156.

Private schools are subject to the provisions of the "Private Schools Building Safety Act of 1986" to ensure that children attending private schools are afforded equivalent earthquake safety as afforded public school students. The Act regulates the design and structure of private schools and provides for inspections by an enforcement agency. The Act defines "private school structure" as "any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or 4 hours in any one day." Certain structures 2,000 square feet or less in floor area are exempt. Cal. Educ. Code § 39160 et seq.

Persons 18 years of age or over who unlawfully sell heroin, cocaine, cocaine base or any analog of these substances, within 1,000 feet of private school grounds when minors are using the facility, will receive additional imprisonment in the state prison for two years. Cal. Health & Safety Code § 11353, 11353.1(a)(2).

The governing board of each private school must establish an earthquake emergency procedure system in every private school building having an occupant capacity of 50 or more pupils or more than one classroom. The earthquake emergency procedure system must include: 1) a school building disaster plan; b) a drop procedure; 3) protective measures to be taken before, during, and following an earthquake; and 4) a program to ensure students and staff are trained in the earthquake emergency procedure system. Cal. Educ. Code §§ 35295-35297.

Persons in charge of private schools may not allow any cup or glass to be used in common for drinking purposes. Cal. Health & Safety Code § 3700.

Transportation: County Superintendents may provide transportation to pupils attending private schools upon the same terms, in the same manner and over the same routes as provided for pupils attending public schools. The authorization is limited to actual transportation and not transportation payments of money. Cal. Educ. Code § 48222; Cal. Educ. Code § 39808.

State subsidized transportation for children attending parochial schools is proper under the California Constitution in view of the broad police powers of the state to promote educational welfare and safety of the children. Bowker v. Baker, 167 P.2d 256 (1946).

California distinguishes between school buses, school pupil activity buses, and youth buses in the applicable provisions of the vehicle code. Cal. Vehicle Code §§ 492, 545, 546, 680, 2808, and 12517; Cal. Educ. Code § 39830, 39831. Private schools are subject to the same statutes, rules, and regulations relating to construction, design, operation, equipment, and color of school buses that apply to public schools unless exempt by the Commissioner of the California Highway Patrol by rule or regulation. Cal. Veh. Code §§ 2808.

Private schools are required to provide instruction in school bus emergency procedures and passenger safety for students transported in a school bus or school pupil activity bus. The instruction must be given at least once a year to all transported pupils pre-K through grade 8. In addition, safety instruction must be given prior to departures on a school activity trip including instruction on the location of emergency exits and location and use of emergency equipment. A record must be maintained by the school for one year documenting the details of the instruction. Cal. Educ. Code § 39831.5.

Public Aid for Private Schools/Private School Students: The California Constitution prohibits the appropriation of public money for the support of sectarian or denominational schools or any other school not under the exclusive control of the officers of the public schools. Cal. Const. Art. IX. Section 8. In addition, Art. XVI. Section 5. prohibits any public support for a school controlled by any religious creed, church, or sectarian denomination, including any grant of personal property or real estate.

The lending of textbooks, without charge, to students attending nonprofit, nonpublic schools violates the California Constitution prohibiting appropriations for the support of sectarian schools. Cal. Teachers Assoc. v. Riles, 632 P.2d 953 (1981).

County superintendents of schools may enter into agreements with nonpublic private schools to provide for the use of audiovisual curriculum materials, including equipment and apparatus. The agreement must provide for an amount of payment equal to the cost incurred in connection with the handling, loss, destruction, or damage to the audiovisual curriculum materials. Such agreements may only be entered into when such materials are not needed by the public schools or the county superintendent. Cal. Educ. Code § 1251.

Nonpublic schools, i.e. schools satisfying attendance recordkeeping requirements and exempt from taxation, may order instructional materials from the state board. Cal. Educ. Code § 60310.

County superintendents of schools may enter into agreements with nonpublic private schools to provide programs and classes in outdoor science education and conservation education for private school students. The private school must pay for the actual cost of providing the programs or classes. Cal. Educ. Code §§ 8763, 8766-67.

Private schools are exempt from state park fees for school field trips arranged through the Department of Parks and Monuments. The exemption extends to pupils K-12, their escorts, teachers, supervisory personnel, and bus drivers. (Hearst San Simeon State Historic Monument excluded.) Cal. Pub. Res. Code § 5010.2.

The California legislature may exempt property used exclusively for religious purposes and held by a nonprofit corporation from property tax under the California Constitution. Cal. Const. Art.XIII. Section 4. Church-related schools may be required to file factual statements to qualify for the exemption. 62 Ops. Atty. Gen. 690, 11-9-79.

The state legislature has provided that property used exclusively for school purposes of less than collegiate grade are exempt from taxation if the school meets certain requirements. Cal. Rev. & T. Code § 214. Tax exempt status for parochial K through 12 schools under § 214 is constitutional since a nonprofit school has a charitable purpose. Lundberg v. County of Alameda, 298 P.2d 1 (1956).

Private schools and nonprofit parent-teacher associations are "consumers" rather than "retailers" for sales tax purposes with respect to 1) yearbooks and catalogs prepared for distribution to students by the school and 2) tangible personal property sold by the parent-teacher organization if the profits are used exclusively for the organization. Ca. Rev. & T. Code § 6361.5, 6370.

School meals provided to students by private schools are exempt from sales tax. The exemption does not apply if the food is sold for consumption within a place subject to an admission charge, except for national and state parks and monuments. Ca. Rev. & T. Code § 6363.

State agencies have the authority to enter into vocational education contracts with approved private schools to provide training and retraining programs for students. Cal. Educ. Code §§ 8090-92.

Miscellaneous: Private schools are assured one representative appointment on the 20-member Educational Innovation and Planning Commission. Cal. Educ. Code § 33502.

Private schools may withhold grades, diplomas, or transcripts based on a minor's willful misconduct that results in personal injury or property damage until reparations are made. The school must afford the student his due process rights and notify the parents in writing before taking any action. Cal. Educ. Code § 48904(b).

County superintendents may authorize private school officials to issue work permits to students in accordance with state provisions governing the employment of minors. Cal. Educ. Code § 49110.1

Private high schools are eligible to apply for permission to establish cadet companies, battalions, or regiments of the California Cadet Corps. Cal. Military and Veterans Code § 520.1

Under California law, private schools may not be converted to charter schools. Cal. Educ. Code § 47602(b).

Child Abuse Prevention Coordinating Councils funded by the state shall encourage inclusion of private school representatives. Cal. Welf. & Inst. Code § 18982.1

COLORADO

Acknowledgement of nonpublic school accreditation may be granted by the Department of Education based upon a nonpublic school's membership in a national or regional accrediting association recognized by the Colorado Board of Education.

Registration/Licensing/Accreditation: The State Board has the statutory power to appraise any nonpublic school for the purpose of accreditation, but only upon the school's request. Colo. Rev. Stat. § 22-2-107(1)(g). The State Board recognizes private school accreditation by five different accrediting agencies. 1 Colo. Code Regs. § 301-1.

Recordkeeping/Reports: Private schools are required to maintain on file the official certificates of immunization for every enrolled student. The Department of Health may examine, audit or verify the records of immunizations. Colo. Rev. Stat. § 25-4-906(2), (3).

Whenever requested by the local school district, but not more than monthly, private schools must certify in writing the students' names, ages, places of residence and number of days of attendance since the preceding report. Colo. Rev. Stat. § 22-1-114.

Length of School Year/Days: Attendance at a private school satisfies the Colorado compulsory school attendance law if enrolled for a minimum of 172 days. Colo. Rev. Stat. § 22-33-104.

Curriculum: Private schools satisfying the compulsory school attendance law must provide a basic academic education, i.e. a sequential program of instruction including, but not limited to communication skills of reading, writing, and speaking, mathematics, history, civics, literature, and science. Colo. Rev. Stat. § 22-33-104(6). Colorado private schools must give regular courses of instruction in the Constitution of the United States in seventh grade through high school. Colo. Rev. Stat. §§ 22-1-108; 22-1-109.

Private school teachers have a duty to instruct students in the proper respect and use of the U.S. flag. The Commissioner of Education will provide the necessary information for all teachers in the state of Colorado. Colo. Rev. Stat. § 22-1-106; 22-1-107.

Special Education: The board of education of a school district has the power to provide special educational services and arrangements for the benefit of educationally deprived children in the district who attend nonpublic schools out of federal grants designated for that purpose. The provision of services must be made without discrimination on the basis of race, color, religion, sex, or national origin. Colo. Rev. Stat. § 22-32-110(cc).

Health: The Department of Health is under a duty to establish and enforce sanitary standards for the operation and maintenance of schools. Colo. Rev. Stat. § 25-1-107(1)(m).

Private school students must receive immunizations as specified by the State Board of Health. Colo. Rev. Stat. §§ 24-4-901; 25-4-902; 25-4-904. Exemptions are allowed based on religious belief, endangerment to life, or sound medical practice.

Transfer students have 60 days in which to submit a certificate of immunization. Colo. Rev. Stat. § 25-4-903. The Department of Health provides official certificate of immunization forms. Colo. Rev. Stat. § 25-4-906.

Private schools are obligated to suspend or expel any student failing to obtain the proper school entry immunizations unless the student is otherwise exempt. Prior to suspension or expulsion, the appropriate school authority must give direct personal notification to the student's parent/guardian, the emancipated student, or the student eighteen years of age, and inform them of the student's rights. Colo. Rev. Stat. §§ 25-4-902; 25-4-902.5; 25-4-903 and 25-4-907.

Safety: Private schools are prohibited from using toxic fire extinguishing agents in any fire extinguisher or fire-extinguishing device. Colo. Rev. Stat. § 9-3-101.

Private schools are required to provide eye protective devices for the use of all students, teachers, and visitors, and to require such eye protective devices to be worn when participating in activities or using hazardous substances likely to cause injury to the eyes. Colo. Re. Stat. §§ 22-3-101; 22-3-102.

Private schools providing food services are required to obtain an annual certificate of inspection for food service establishments. Parochial and private schools are granted certificates without incurring fees. Colo. Rev. Stat. § 12-44-201; 12-44-207(2); 12-44-208.

Private school officials and employees are required to report suspected child abuse or neglect to the county department or local law enforcement agency. Colo. Rev. Stat. § 19-3-304.

For employment purposes, nonpublic schools have access to information provided by the Colorado Department of Education regarding a potential employee's past unlawful conduct i.e whether an individual has been dismissed or resigned from a school district as a result of an allegation of unlawful behavior involving a child that was supported by a preponderance of the evidence. Colo. Rev. Stat. § 22-1-121(1)(b).

Public Aid for Private Schools/Private Students: Public aid, i.e. aid from the general assembly, any county, city, town, township, school district or public corporation, to sectarian schools is expressly prohibited. Colo. Const. Art. IX, Section 7. The state legislature is expressly prohibited from appropriating money for educational purposes to any person, corporation, or community not under the absolute control of the state, or to any denominational, or sectarian institution or association. Colo. Const. Art 5, Section 34.

The board of education of a school district is authorized to provide library resources for the benefit of children and the use of teachers to benefit children in the nonpublic schools out of federal grants made for this purpose. The provision of resources must be made without discrimination on the basis of race, color, religion, sex or national origin. Colo. Rev. Stat. § 22-32-110(dd).

Real and personal property used solely for religious worship or schools is exempt from taxation unless otherwise provided by general law. Colo. Const. Art. 10, Section 5. Nonprofit private schools are exempt from real and personal property tax. Colo. Rev. Stat. § 39-3-107. 8 Colo. Code Regs. § 1304-2.

Private school teachers, nurses and administrators may participate in in-service education institutes or curriculum development programs under the Colorado Comprehensive Health Education Act. A prorated cost of participation may be required. Colo. Rev. Stat. § 22-25-108. Colorado law provides for cooperative ventures in teacher education programs between public and private schools and institutions of higher education. Colo. Re. Stat. § 22-62-102.

CONNECTICUT

Connecticut places the duty to instruct a child or cause him to be instructed on the parents. Conn. Gen. Stat. § 10-184.

Recordkeeping/Reports: Private schools must file student attendance reports and "such reports and returns concerning the school . . . as are required from boards of education concerning the public schools. . . ." No report concerning finances is required. Conn. Gen. Stat. § 10-188.

Nonpublic schools must implement a policy for reporting complaints related to school transportation safety and maintain a written record of complaints received. Within 30 days after the end of the school year nonpublic schools must provide a copy of the written record of complaints to the Commissioner of Motor Vehicles. Nonpublic schools must also make written reports to the Commissioner of any accident involving a motor vehicle and a student pedestrian near a designated school bus stop within 10 days of the incident. Conn. Gen. Stat. § 10-221c.

Instruction in English: The English language is to be the medium of instruction in private elementary schools except in bilingual or bicultural programs for pupils who by reason of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English. Conn. Gen. Stat. § 10-17.

Private schools may with the approval of the state board of education establish bilingual and bicultural programs of study in which language other than English are predominately spoken to enable children to become efficient in English. Conn. Gen. Stat. § 10-17a.

Teacher Certification: Although teaching certificates are not required for nonpublic school teachers, teachers at nonpublic schools approved by the State Board of Education may obtain Provisional and Professional Educator Certificates. Conn. Gen. Stat. § 10-145b.

Curriculum: Connecticut parents have the duty to instruct their children or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic, and United States history and in citizenship. Instruction may occur outside the public school if "the child is elsewhere receiving equivalent instruction in the studies taught in the public schools." Conn. Gen. Stat. § 10-184.

Private elementary and high schools, whose property is tax exempt, must provide instruction in United States history, government, and the duties and responsibilities of citizenship. Graduation from such schools is contingent on familiarity with these subjects. The state board of education will make available samples of appropriate educational materials. Conn. Gen. Stat. § 10-18.

Private secondary schools may contract with licensed driving schools approved by the Commissioner of Motor Vehicles for behind-the-wheel instruction in driver education programs. Conn. Gen. Stat. § 10-24d.

Special Education: Connecticut publicly places children with special education needs in approved private schools when the educational needs of the child cannot be met by public school arrangements. Conn. Gen. Stat. §§ 10-76d(d), (g); 10-76b(a). The local or regional boards of education also provide transportation to and from the residence of the special needs child. Conn. Gen. Stat. § 10-76d(e).

Health: Children enrolled in nonpublic schools must be protected by adequate immunizations against diphtheria, pertussis, tetanus, polioneyelitis, measles, mumps, rubella, and hemophilus influenza. Certain exemptions apply, e.g. a child whose parents object to immunizations on religious grounds is exempt. Conn. Gen. Stat. § 10-204a.

A school nurse, other licensed nurse, principal or teacher of a school may administer medicine to any student in accordance with the written order of a licensed physician or dentist and the written authorization of the child's parent/guardian. Conn. Gen. Stat. § 10-212a.

Each schoolhouse, i.e. buildings or premises in which instruction is given to at least ten pupils at one time, must be kept in a clean and sanitary condition. Schoolhouses must provide adequate toilets, handwashing facilities, and safe and adequate water supply. Conn. Gen. Stat. § 10-203.

Every private and parochial school must maintain toilet accommodations, water supply drinking cups, washing facilities, heating, lighting and ventilation in sanitary condition. Public Health Code Regulation § 19-13-830.

Communications made by a student to a professional employee at a nonpublic primary or secondary school concerning alcohol or drug abuse is privileged communication if the employee chooses to make it so. An employee who acts in good faith is immune from any criminal or civil liability. Conn. Gen. Stat. § 10-154a.

Safety: Buildings and facilities of public service are required to be inspected by the local fire marshal at least once a year and as necessary. Conn. Gen. Stat. 29-305.

Each story above the first story of a schoolhouse building must have at least two remote means of free and unobstructed egress by enclosed stairways, properly segregated from the corridors at all floor levels, or approved fire escapes outside. Stairways, fire escapes and passageways must be constructed and maintained in accordance with the fire safety regulations. New school buildings, conversions, and additions to school buildings must be made in conformity with the fire safety code. Conn. Gen. Stat. 29-389.

Nonpublic school teachers, principals, and guidance counselors are required to report suspected child abuse. If a school employee is suspected of the abuse, the supervisory agent of the nonpublic school is responsible for notifying the parents and making the necessary report with the appropriate authorities. Conviction of abuse may lead to revocation of an individual's teacher certification. Conn. Gen. Stat. § 17a-10(b), (c), (f).

All private elementary and secondary schools must comply with state regulations concerning eye protection devices in laboratories and workshops. Conn. Gen. Stat. § 10-214a-1 through 10-214a-3.

Connecticut law outlines when physical force, otherwise criminal, is justifiable when exercised by a teacher or other person entrusted with the care and supervision of a minor for school purposes. For example, a teacher's physical force is justifiable to protect himself or others from immediate physical injury or to obtain possession of a dangerous instrument but not to merely maintain discipline. Conn. Gen. Stat. § 17a-101.

Professional employees of a nonpublic school are required to turn over physical evidence indicating a crime has been or is being committed to school officials or law enforcement officials. The employee is not required to disclose the name of the student from whom the evidence was obtained. Conn. Gen. Stat. § 10-154a.

Transportation: When a majority of students attending a nonpublic school are residents of Connecticut, the municipality or school district must provide the nonpublic school students the same transportation services provided to K-12 students attending public schools. Conn. Gen. Stat. § 10-281. Transportation services for pupils attending private schools outside the school district is optional. Conn. Gen. Stat. §§ 10-280a; 10-277.

See **Recordkeeping.**

Public Aid for Private Schools/Private School Students: The "School Fund," established to provide a perpetual fund for the support of public schools, cannot be diverted to any other use. Conn. Const. Art. 8, Sec. 4. The School Fund cannot be used for the transportation of private school children. Snyder et al v. Town of Newton et al., 161 A.2d 770 (1960).

Municipalities may lend money to nonpublic schools located within the municipality for the construction or renovation of physical facilities used exclusively for educational purposes. Conn. Gen. Stat. §§ 7-121a; 10-289f.

Connecticut permits local or regional boards of education to loan textbooks to students attending nonpublic schools within the district. Parents/guardians or nonpublic school students may borrow textbooks currently in use in the public school free of charge. Conn. Gen. Stat. § 10-228a.

Nonpublic schools may participate in the school breakfast, lunch, and other feeding programs as regulated by the state board of education and governed by federal laws. Conn. Gen. Stat. §§ 10-215a and b.

Nonpublic school students are eligible for health services that are currently offered to public school students by the local district. "Health services" include the services of a school physician, school nurse, and dental hygienist. Conn. Gen. Stat. § 10-217a.

Connecticut passed a demonstration scholarship program to provide parents/guardians an opportunity to enroll their children in public or private schools in 1972. Participating schools needed to meet all educational, fiscal, health and safety standards required by law and other specified criteria including nondiscrimination based on race, color or economic status. Conn. Gen. Stat. § 10-239a-b. However, the initiative was never funded.

All Connecticut educators are eligible to participate in programs of professional development offered by the Connecticut Department of Education in cooperation with the regional education service centers. Participation fees are charged. Conn. Gen. Stat. § 10-220a(c).

Certified teachers at private special education facilities approved by the Commissioner of Education may receive training to supervise, train, and evaluate student teachers and serve as mentors for beginning teachers. Conn. Gen. Stat. § 10-22a(d).

Nonpublic schools may participate in the programs and services offered by the regional education centers. Conn. Gen. Stat. § 10-66d. Nonpublic schools pay a prorated share of the costs of any program or service to which they subscribe. Conn. Gen. Stat. § 10-66e.

Miscellaneous: Private high schools receiving state funds must provide the same directory information and on-campus recruiting opportunities to representatives of the national armed forces and state armed services as offered to nonmilitary recruiters or commercial concerns. Governing boards of these private schools must establish a written uniform policy for the treatment of all recruiters. Conn. Gen. Stat. § 10-221b.

Noncustodial parents have a right to student academic records unless otherwise ordered by the court. Conn. Gen. Stat. § 46b-56(e).

Nonpublic schools must conduct an educational evaluation for any student named in a Family with Service Needs Petition based on habitual truancy. Conn. Gen. Stat. § 10-198a.

DELAWARE

Delaware certifies private schools based on the school's own affirmation that it provides a regular and thorough instruction.

Registration/Licensing/Accreditation: Private schools satisfy the Delaware compulsory education requirements if the school submits a written certificate that the student is receiving regular and thorough instruction in the subjects prescribed for the public schools in a manner suitable to children of the same age and stage of advancement Del. Code Ann. tit. 14, § 2703.

Recordkeeping/Reports: Disclosure of student records to nonschool personnel is prohibited except in limited circumstances e.g. as required by law upon request of the pupil if over 14 years of age for the purpose of transfer, or at the request of the parent/guardian. Standard release forms may be prescribed by the Department of Public Instruction. Del. Code Ann. tit. 14, § 4111.

Private schools are required to report their enrollment, age of pupils and attendance to the State Board of Education annually before July 31. In addition, private schools must submit annually a statement of enrollment as of the last day in September on forms prescribed by the State Board of Education. Del. Code. Ann. tit. 14, § 2704. Private schools are required to maintain records as required by the child labor laws. Del. Code Ann. tit. 14, §3506.

See also **Registration**.

Curriculum: Under the Compulsory Education Statute, private schools must provide regular and thorough instruction in the subjects prescribed for the public schools of the state. Del. Code Ann. tit. 14, § 2703(a).

Delaware requires all private schools to provide regular courses in the United States Constitution, the Delaware Constitution and government, and the free enterprise system in grades eight through high school. The extent and content of courses is determined by the State Board of Education. Del. Code Ann. tit. 14, § 4103.

Delaware provides driver education instruction for students attending nonpublic high schools. The State Board of Education regulates and supervises the program including the qualifications of teachers, salary, and school assignments. Del. Code Ann. tit. 14, § 127.

Special Education: The Delaware State Board of Education promulgates rules providing for the placement of "exceptional persons," i.e. "handicapped or gifted persons" in private schools. Del. Code Ann. tit. 14, §§ 3101, 3110(b).

The Mental Hygiene Clinic Department of Health and Social Services will examine private school children who are 2 or more years retarded when requested by the executive head of the school. Del. Code Ann. tit.16, §5142(a).

Safety: All private schools are required to have at least 1 fire drill each month when school is in session and to keep all doors and exits unlocked during school hours. The State Fire Marshal, or his deputies, must inspect all schools as to fire exits and reasonable safety standards. Del. Code Ann. tit.16, § 6607(d)(e).

Private schools must set dates for fingerprinting students (grades k-9) and provide school facilities and personnel. The Superintendent of State Police will provide training for volunteers who are nominated to assist by the private schools for this purpose. Private school officials must notify parents/guardians of the date set for fingerprinting. Only pupils with signed authorization by parents/guardians may participate. Del. Code Ann. tit. 11, § 8526.

Eye protection devices must be used in private schools by teachers, students, employees, and visitors for activities taking place in eye protection areas, i.e. industrial arts classes, etc. Del. Code Ann. tit. 14, §§ 8301, 8302.

Transportation: The Delaware Constitution expressly allows the General Assembly to provide transportation for students of nonpublic, nonprofit elementary and high schools. Del. Const. Art X, § 5. The State Board of Education is charged with regulating nonpublic school transportation as public school transportation and limited to within the described boundaries of a public school district. Del. Code Ann. tit. 14, § 2905.

Parochial and private school buses must be inspected twice yearly to determine if they are safe, fit for operation and properly equipped in accordance with regulations adopted by the Department of Motor Vehicles. Del Code Ann. tit. 21, § 2145. Parochial and private schools may not permit any person to drive a school bus within the state without a valid school bus driver's license. Del. Code Ann. tit. 21, § 2708(a).

Public Aid for Private Schools/Private School Students: No state funds raised for educational purposes can be used to aid any sectarian, church or denominational school. Del. Const. Art X, § 3.

All real or personal property used for school purposes where the tuition is free shall be exempt from taxation and assessment for public purposes. Del. Const. Art X, § 3.

Miscellaneous: The Governor may request private schools to observe Arbor and Bird Day as designed to advance the study of Arbor culture, the spirit of protection to birds and trees and appreciation for them. Del. Code Ann. tit. 29, § 4107.

DISTRICT OF COLUMBIA

To award credit for compliance with the District's compulsory school attendance law, independent, private and parochial schools must submit satisfactory evidence to the Superintendent of Schools that the amount of instruction, character of instruction, qualifications of staff and other conditions, such as class size, facilities, counseling services, and attendance recordkeeping, are acceptable to the Board of Education. D.C. Municipal Regulations 2100.2.

Registration/Licensing/Accreditation: The District of Columbia Board of Education is responsible for establishing requirements to govern acceptable credit for studies at independent or private schools. D.C. Code Ann. 31-402(d). Schools must provide satisfactory evidence to the Superintendent of Schools that the amount of instruction, character of instruction, qualifications of staff and other conditions, such as class size, facilities, counseling services, and attendance record-keeping are acceptable to the Board. D.C. Municipal Regulations 2100.2. Institutions that submit proof of accreditation or that they are undergoing the process of accreditation by an accrediting body approved by the Board will be deemed to have presented satisfactory evidence. D.C. Municipal Regulations 2100.3. The parochial nature of an educational institution or sectarian nature of instruction cannot be a factor for the Board's determination. D.C. Municipal Regulations 2100.5.

School approval for attendance purpose is contingent on the maintenance and submission of attendance records to the D.C. Board of Education. D.C. Municipal Regulations 2100.6.

Recordkeeping/Reports: Independent, private or parochial school teachers must keep an accurate daily record of attendance of all enrolled students legally required to attend school. These records must be open for inspection at all times by persons authorized to enforce the District's compulsory school attendance law. Principals have a duty to report to the District of Columbia Board of Education a student's absence for more than 2 full-day sessions or 4 half-day sessions in any school month and the reasons for the absence. D.C. Code Ann. 31-403. Principals must report to the Board of Education the name, address, sex, and date of birth of each minor who resides permanently or temporarily in the District who transfers between schools or who enrolls in or withdraws from his or her school. D.C. Code Ann. 31-405. Anyone who willfully neglects or refuses to provide this information, i.e., attendance, absence, and enrollment records, or knowingly makes any false statement, is guilty of a misdemeanor. D.C. Code Ann. 31-406.

Elementary and secondary private schools must maintain health files for each student. Each file must contain all health-related documents, including the certificates of health and dental-health. D.C. Code Ann. § 31-2407. See **Health**. Private schools, and their employees are neither civilly or criminally liable for failing to recognize or communicate the need for medical treatment based on the information contained in the student's health file. D.C. Code Ann. § 31-2409.

Length of School Year/Day: The Board of Education is charged with issuing rules to govern acceptable credit for studies completed at independent or private schools. D.C. Code Ann. § 31-402(d). Schools must provide satisfactory evidence to the Superintendent of Schools that the amount of instruction, i.e. the number of hours per day, days per week, and weeks per year, is acceptable to the Board. The instruction need not be given at the same time as the equivalent D.C. Public School program. D.C. Regulations 2100.2.

Teacher Certification: The Board of Education is charged with issuing rules to govern acceptable credit for studies completed at independent or private schools. D.C. Code Ann. § 31-402(d). Schools must provide satisfactory evidence to the Superintendent of Schools that the qualifications of staff, i.e. the training and educational requirements for teaching and supervisory staff, are acceptable to the Board. A District of Columbia teaching certificate is not required. D.C. Regulations 2100.2.

Curriculum: The Board of Education is charged with issuing rules to govern acceptable credit for studies completed at independent or private schools. D.C. Code Ann. § 31-402(d). Schools must provide satisfactory evidence to the Superintendent of Schools that the character of instruction includes acceptable subject matter and time devoted to the subjects. D.C. Municipal Regulations 2100.2.

Health: Private school students are required to submit certificates of health at the pre-kindergarten, 1st, 2nd, 3rd, 5th, 7th, 9th, and 11th grades. The certificates of health must be signed by a physician or nurse practitioner upon examination not more than 150 calendar days before the first day of school. In addition, the Mayor establishes requirements for periodic dental examinations and the submission of certificates of dental health. No student will be excluded from school for failure to submit a certificate. D.C. Code Ann. § 31-2404. The Mayor is responsible for developing and providing the standard forms for certificates of health and dental health. D.C. Code Ann. § 31-2402. If physical or dental examinations violate the established tenets and practices of a parent's/guardian's or student's church or religious denomination, then certificates of health shall not be required of the student upon receipt of a written notarized statement to that effect. D.C. Code Ann. § 31-2403.

Safety: The District's criminal code gives a mandatory sentence of 1 - 10 years for any male over 21 serving as a superintendent, tutor, or teacher at a private school who engages in sexual intercourse with consent with a female student who is under 21 years old. D.C. Code Ann. § 22-3002.

Transportation: The Mayor may enter into agreements with the Washington Metropolitan Area Transit Authority to provide transportation at reduced fares for students travelling to private and parochial schools and related educational activities in the District. D.C. Code Ann. § 44-216. The reduced fare is one-third of the peak bus/rail fare. D.C. Code Ann. § 44-217.

Miscellaneous: The District's Family and Medical Leave laws apply equally to public school employees and private school employees. Special provisions are made for individuals employed in instructional capacities. Private school policies and practices control restoration of employment determinations. D.C. Code Ann. § 36-1305(d)(2).

"Religious societies" maintaining private schools for religious purposes are subject to the incorporation statutes set out at D.C. Code Ann. §§ 29-901-911 and 29-901-912.

Although not legally mandated, the District of Columbia maintains an advisory Council of the State Office for Census and Nonpublic Education.

FLORIDA

Florida conditions private school participation in the school bus pool purchase program on a school's nondiscriminatory student admission policies. Fla. Stat. ch. 234.301.

Recordkeeping/Reports: Parochial, denominational, and private schools must keep a register of student enrollment and daily attendance in a manner prescribed by the state and open for inspection by the local superintendent or attendance assistant. Fla. Stat. ch. 232.021. The register may be used as evidence in a court procedure for the enforcement of the Florida compulsory education statute. Fla. Stat. ch. 233.19(4).

Prior to admission to pre-kindergarten or kindergarten, a private school principal must require that the child provide evidence of age such as a transcript of the child's birth record or certificate of baptism. Fla. Stat. ch. 232.03.

Nonpublic schools which become defunct must arrange for the transfer of student records to the local public school superintendent, or if a member, the principal office of a nonpublic school system or association. Notice of transfer must be given to the Management Information Service Section in the Department of Education. Fla. Stat. ch. 228.092.

Nonpublic schools serving K-12 students must file a database survey form with the Florida Department of Education indicating the name of the institution, address, telephone number, type, administrative officers, enrollment by grade or special group, number of graduates, number of instructional and administrative personnel, number of school days, and other data as needed under §§ 228.092 and 232.021. Fla. Stat. ch. 229.808(1), (2), (3), (4)-(7).

Length of School Year/Days: Attendance at a nonpublic school satisfies the compulsory school attendance law if the child maintains regular attendance during the school term of either 180 actual school days or a minimum of 170 actual school days and the hourly equivalent of 180 actual school days, i.e. K, 540 net instructional hours; Grades 1 thru 3, 720 net instructional hours; and, Grades 4 thru 12, 900 net instructional hours. Fla. Admin. Code Ann. r. 6A-1.09512.

Curriculum: Florida regulates biological experiments performed on living subjects conducted in grades K-12. For example, no dissection may be performed on any living mammalian vertebrate or bird. Students can be excused upon written request by parent/guardians from dissection of nonliving mammals or birds. Nonpublic schools keeping live animals on the premises must house in a humane and safe manner. Nonpublic school teachers failing to comply with these provisions may be disciplined by the school authorities. Fla. Stat. ch. 233.0674(2)(a)(h) and (4).

Special Education: Diagnostic and resource centers are authorized to provide testing and evaluation services to nonpublic school students. Fla. Stat. ch. 229.834. The local district school boards may provide instruction for exceptional students through contractual arrangements with approved nonpublic schools at a cost determined by the board. Fla. Stat. ch. 230.23(m)2, 8. Fla. Admin. Code Ann. r. 6A-6.0361.

Health: Nonpublic schools must require each student, upon his initial entrance into school, to present a certification of school-entry health examination performed within one year of enrollment. Students are exempt if parents/guardians object on religious grounds in a written statement. Fla. Stat. ch. 232.0315.

Prior to admittance to a nonpublic school, children must submit a certification of immunization for the prevention of communicable diseases as required by the Department of Health and Rehabilitative Services, including immunizations for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, tetanus. Nonpublic schools must also provide appropriate screening for its pupils for scoliosis at the proper age. Students are exempt if their parents/guardians object in writing based on a conflict with religious tenets or practices. Fla. Stat. ch. 232.032.

Private schools are exempt from inspection and notification fees for asbestos removal projects assessed by the Florida Department of Environmental Regulation. Fla. Stat. ch. 376.60.

Nonpublic schools may voluntarily participate in the School Health Services Program operated by the Florida Department of Health and Rehabilitative Services in cooperation with the Florida Department of Education. Services provided include health appraisals, nutrition assessments, a preventive dental program, and vision and hearing screening. Nonpublic school representatives may participate in the development of the local cooperative health services plan. Fla. Stat. ch. 402.32, 5(R), 6.

Private schools that prepare food intended for individual portion service must comply with the minimum sanitation standards promulgated by the Department of Health and Rehabilitation Services. Fla. Stat. ch. 381.0072(b).

Safety: Chief administrative officers of nonpublic schools must file a complete set of fingerprints for state processing and checking for criminal background. The cost must be borne by the applicant or nonpublic school. Persons convicted of crimes involving moral turpitude are prohibited from owning or operating a nonpublic school. The chief administrative officer may also require school employees to file a complete set of fingerprints. Fla. Stat. ch. 229.808(3).

Instructional personnel required to hold a teaching certificate in nonpublic schools must file a complete set of fingerprints for state and federal processing for a criminal background check. Fla. Stat. ch. 231.1712.

Private School teachers, officials and other personnel, who know or have reasonable cause to suspect that a child is abused or neglected must report the information to the Department of Health and Rehabilitative Services' central abuse registry and tracking system. Fla. Stat. ch. 415.504.

Transportation: Nonpublic schools operating school buses with a seating capacity of 24 or more pupils must comply with state requirements outlined in ch. 234.316.615. Nonpublic schools operating school buses seating less than 24 students must comply with state requirements regarding inspections, equipment, liability insurance, and driver physical examination requirements.

District School Boards may make available by contract bus driver training programs to nonpublic schools bus drivers. Fla. Stat. ch. 234.101.

Florida nonpublic schools with racially nondiscriminatory student admission policies may purchase school buses through the state pool purchase program. Fla. Stat. ch. 234.301.

School crossing guard training programs administered by local government entities may provide training to nonpublic schools by contract. Fla. Stat. 240.4021, 408.

Public Aid for Private Schools/Private School Students: The Florida Constitution prohibits public aid to sectarian institutions directly or indirectly. Fla. Const. Art. I Sec. 3.

The Florida Department of Education is authorized to sell at cost educational materials and products developed by or under its direction to nonpublic schools and the general public. Fla. Stat. ch. 233.255.

Educational institutions, including parochial church or private schools and their property, are exempt from taxation. Fla. Stat. ch. 196.198, 196.012(5). Educational institutions, including church and nonprofit private schools meeting certain requirements, are also exempt from tax on the sale and use of tangible personal property, annual and nonrecurring tax on intangible personal property, and local occupational license tax. The exempting provisions qualify the private schools as those schools conducting "regular classes of study required for accreditation by or membership in the Department of Education, or the Florida Council of Independent Schools." Fla. Stat. ch. 212.08, 199.183, 205.22. Motor fuel taxes paid by nonpublic schools for operating school buses will be returned to the schools to be used for transportation related purposes. Fla. Stat. ch. 212.67(1)(d)1, 2.

District school boards may permit nonpublic school teachers to participate in inservice staff development training programs under the Florida Primary Education Program when space is available. Fla. Stat. ch. 230.2312. Nonpublic school teachers and administrators may participate in inservice teacher education programs on comprehensive health education and substance abuse prevention provided they assume the prorated share of the cost. Fla. Stat. ch. 233.067(9).

Nonpublic school students are eligible to participate in Florida's Academic Scholars' Certificate Program established for the recognition of outstanding performance and academic achievement. Fla. Stat. ch. 232.2465.

Nonpublic school students are eligible for state scholarship programs such as the Vocational Gold Seal Endorsement Scholarship Program and the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund. Fla. Stat. ch. 240.408, 4021.

Miscellaneous: Nonpublic schools may develop a plan for a professional orientation program to assist its beginning teachers, teachers employed in the state for the first time, and teachers whose professional certificates are inactive, in obtaining a professional educator's certificate. The plan must be submitted to the Commissioner for approval. Fla. Stat. ch. 231.17(3).

An organization of nonpublic schools meeting specific state requirements may develop a master plan for inservice educational training which may be used for extension of a certificate or a new endorsement. The plan must be submitted to the Commissioner for approval. Any costs associated with approval of the plan are borne by the organization. Fla. Stat. ch. 236.0811(2)(a)2, (2)(c).

GEORGIA

Georgia private schools must provide 180 days of instruction each year. Ga. Code Ann. § 20-2-690(b)(3), d.

Recordkeeping/Reports: Private school administrators must report their enrollment to the local public school superintendent within 30 days of the beginning of each school year. The reports must include the name, age and residence of each student. Notice must be given monthly of any student's admission or withdrawal from the school. Ga. Code Ann. § 20-2-690(b), (5), (d). The State Board of Education makes available through the local school superintendent printed forms necessary to comply with the reporting requirements.

Length of School Year/Days: Private schools by definition must provide 180 days of instruction each year with each school day consisting of four and one-half school hours. Ga. Code Ann. § 20-2-690(b)(3), d. Children between their 7th and 16th birthdays excused from attendance at private schools for sickness, emergencies, or other reasons authorized by board policy for public schools, are exempt from compulsory attendance. Ga. Code Ann. § 20-2-693(b). The local school superintendent will report truants to the appropriate court after written notice to the parent/guardian.

Curriculum: Private schools by definition must provide a basic academic educational program which includes language arts, mathematics, social studies, and science. Ga. Code Ann. § 20-2-690(b)(4), (d).

The Georgia Department of Technical and Adult Education is authorized to contract with private schools to provide program or services deemed necessary. § 20-4-14 (c) (5).

Special Education: Local school systems may provide special education programs to eligible students by contracting with qualified private institutions. The State Board of Education will fund placements in private institutions provided professionals meet the certification or licensing standards of their profession. Ga. Code Ann. § 20-2-152(b),(c). According to the Attorney General's Office, there is no statutory impediment to providing psychological services to private school children but the degree to be served is a matter of policy at the discretion of the state and local boards of education. 1976 Office of the Attorney General No. § 76-118.

Health: A parent's religious beliefs concerning vaccinations is not a valid excuse for the parent's failure to have a child vaccinated which prevents a child from attending school. 1950-51 Op. Attorney General p. 47. See also Anderson v. State, 65 S.E.2d 848 (1951).

Safety: Georgia's criminal code makes it a felony to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana within 1,000 feet of a private elementary or secondary school. An affirmative defense lies if the violation occurred entirely within a private residence, no person 17 or younger was present, and the conduct was not intended for financial gain. Ga. Code Ann. § 16-13-32.4(a), (b), (g). The Commissioner of Public Safety makes available to the private schools an alcohol and drug course and instructors where necessary. Ga. Code Ann. § 20-2-142.b(3).

Private school teachers, administrators, guidance counselors and social workers are required to report instances of suspected child abuse to the person in charge of the school or his designee. The person so notified must report the abuse to the designated child welfare agency, police authority, or district attorney. Persons participating in the making of a report are immune from any civil or criminal liability if acting in good faith. Ga. Code Ann. § 19-7-5 (a), (c), (f).

Private school buildings must meet all health and safety standards established under state law and local ordinances. Ga. Code Ann. § 20-2-690(b)(6), (d).

Loitering on private school property is unlawful. Private school principals have the authority to exercise control over the school buildings and grounds. Failure to remove oneself at the request of the principal is a misdemeanor. Ga. Code Ann. § 20-2-1180.

Transportation See **Public Aid for Private Schools**.

The Department of Motor Vehicles and Traffic will furnish without charge to private schools a driver's record abstract for any current employee or applicant for a school bus driver position. The employee/applicant must agree in writing to permit the release. Ga. Code Ann. § 40-5-2.

Private schools are required to meet equipment, color, and marking requirements set out in the Motor Vehicle and Traffic Code, §§ 40-8-110 - 40-8-112, 40-8-114.

Public Aid for Private Schools/Private School Students: The Georgia Constitution prohibits any money from the public treasury to be used directly or indirectly in aid of any sectarian institution. Georgia Constitution Article I, § II, Paragraph VII. The Attorney General's Office has interpreted this prohibition to apply to transportation services, 1945-47 Op. Attorney General p. 222 and to contracts for goods and services, 1969 Op. Attorney General Number 69-125. Programs wholly financed by the federal government are lawful even though it contemplates the provision of library resources, textbooks and instructional materials. 1965-66 Op. attorney General Number 65-4.

State and local school funds may not be used for school programs in nonpublic schools. 1974 Op. Attorney General Number 155.

Miscellaneous: Private schools may sublease buildings or facilities of the Georgia Education Authority through county/city boards of education. Ga. Code Ann. § 20-2-553 (a)(5). 1954 Op. Attorney General p. 224.

The Georgia Professional Standards Commission allows for the participation of one private school teacher from an accredited private school on the 18-member board. Ga. Code Ann. § 20-2-983 (b)(1).

The principal administrative officer or his designee is responsible for issuing employment certificates for students between 12 and 16 years old. The certificate must verify the true age of the student and the physical fitness of the student to engage in the particular employment. Students between 16 and 18 years of age also need a certificate which must be maintained in the minor's school file. Ga. Code Ann. § 39-2-11.

HAWAII

Under Hawaiian law, every private school is subject to the supervision of the Hawaiian Department of Education. Haw. Rev. Stat. § 298-7.

Registration/Licensing/Accreditation: Private schools must obtain approval from the Hawaii Department of Education prior to operation. The application for approval must be in writing and set forth: 1) the name/s of the proprietors; 2) proposed location; 3) course of instruction and the language of instruction. If approved the Department will issue a permit. Haw. Rev. Stat. § 298-6.

Recordkeeping/Report: The Department of Education may periodically require private schools to submit reports. Failure to comply is punishable by a fine of not more than $10 for each offense. Haw. Rev. Stat. § 298-6.

Teacher Certification: All private school teachers must obtain a certificate from the Department of Education. The Department establishes the types of certificates and the requirements to qualify. The certificate is issued without cost to the teacher. Haw. Rev. Stat. §§ S-297-2, 297-1. The Department has the authority to revoke any certificate for lack of qualifications after issuance. The teacher will be afforded an opportunity to justify holding the certificate. The state may notify other national or state teacher certification agencies of the revocation. Haw. Rev. Stat. § 297-3. Individuals teaching without a certificate will be fined not more than $25. Haw. Rev. Stat. § 297-4.

Health: The premises of private schools must comply with rules and regulations promulgated by the Department regarding sanitary conditions and hygiene. Haw. Rev. Stat. § 298-7.

No person who has contracted tuberculosis shall, while afflicted with the disease, be allowed to teach in any public or private school. Haw. Rev. Stat. § 297-14.

Safety: Private school employees and officers have a duty to report suspected child abuse or neglect that is based upon a reasonable belief. Individuals should immediately make their reports orally to the Department of Social Services or to the police department. Haw. Rev. Stat. § 350-1.1. Private schools may develop procedures to obtain criminal history record checks for employees who work in close proximity to children. In addition, potential employees may be required to provide 1) a written statement of past convictions; 2) consent to a criminal history record check; and 3) permission to be fingerprinted. Private school employers may refuse employment or terminate an employee if the individual has been convicted of a crime, other than a minor traffic offense. Haw. Rev. Stat. § 846-43.

Transportation: Bus transportation subsidies to sectarian and private school students violate the state's constitution. Spears v. Honda, 449 P.2d 130 (1968).

Public Aid for Private Schools/Private School Students: The Hawaiian constitution prohibits the appropriation of public funds for the support or benefit of any sectarian or private educational institution. Hawaii Constitution, Art. X, § 1.

Miscellaneous: Hawaii's Foundation on Culture and the Arts consults with private schools and includes private school students in their program to recognize and display student art work. Haw. Rev. Stat. § 9-4.

Private school teachers must be persons of good moral character. Haw. Rev. Stat. § 298-7.

The Board of Education must provide ways and means for placing libraries within reach of all residents particularly all public and private schools. Haw. Rev. Stat. § 312-1.

Private school functions are exempt from the states excessive noise prohibition between the hours of 7:00am to 10:00pm. Haw. Rev. Stat. § 342F-30.

IDAHO

Idaho has accreditation standards for private and parochial secondary schools but not for private and parochial elementary schools. Idaho Code § 33-119.

Registration/Licensing/Accreditation: The State Board of Education establishes accreditation standards and minimum requirements for private/parochial secondary schools. The Board may establish minimum requirements to qualify for graduation from an accredited secondary school. "Secondary school" means a school serving grades seven through twelve, inclusive, or any combination thereof. Idaho Code § 33-119.

Recordkeeping/Reports: Upon enrollment, a private elementary or secondary school must notify the parent/guardian in writing that he must provide reliable proof of the student's identity and birthdate within 30 days. If the parent/guardian fails to comply, the private school must immediately notify the local law enforcement agency and inform the parent/guardian in writing that he has 10 additional days to comply. The private school must immediately report to the local law enforcement agency any documentation provided that appears inaccurate or suspicious. Idaho Code § 18-4511.2.

Private schools are required to flag the records of any student reported missing or runaway by the Department of Law Enforcement. The school must report any subsequent request for the records to the local law enforcement agency. Idaho Code § 18-4511.1.

Within 14 days after enrollment, the private school must request a certified copy of the student's record from the student's previous school. A private school must comply with the request for records within 10 days of receipt unless the student was flagged as a missing or runaway child. In that event, the school should notify the local law enforcement agency of the request. Nonetheless, a private school can withhold a transferred student's records for nonpayment of tuition or fees pursuant to prior agreement. Idaho Code § 18-4511.

Length of School Year/Days: To comply with the Idaho compulsory attendance statute, attendance at a private or parochial school must be during a period equal to that in which public schools are in session. Idaho Code § 33-202.

Teacher Certification: Idaho requires certification by the State Board of Education for all elementary and secondary school teachers, supervisors, administrators, education specialists, school nurses, and librarians. Idaho Code § 33-1201.

Curriculum: The Idaho compulsory school attendance statute provides that parents/guardians must cause their school-age children to be instructed in the subjects commonly taught in the public schools. Idaho Code § 33-202. (The State Board of Education prescribes the minimum courses to be taught in all elementary and secondary schools. In addition, the Board issues syllabi, study guides and instructional aids as needed. Idaho Code § 33-118.)

All elementary and secondary schools are required to provide instruction in the Constitution of the United States. The State Board of Education adopts materials and determines the grades in which instruction must be given. Instruction must also be given in the proper use of the American flag, the recitation of the pledge of allegiance, the national anthem, and "America". Idaho Code § 33-1602.

Private/parochial school students may enroll in driver training courses offered by the local school district. Fees cannot be assessed that are not required for public school students. Idaho Code § 33-1703.

Health: Private/parochial school students must provide a statement of the child's immunity to certain childhood diseases upon admission to the school. The statement must document that the child has received or is in the process of receiving the immunizations, or is immune through prior contraction of the disease. The Idaho Board of Health and Welfare is charged with specifying the requisite immunizations and the school reporting requirements. Idaho Code § 39-4801.

Safety: The State Board of Education, in cooperation with the State Board of Health and Welfare, regulates school building sanitation, sewage disposal, and water supply. If a school building is believed deficient, the Board may require an examination by an engineer. The engineer's report will be transmitted to the school, maintained for public inspection there, and published in a local newspaper. Idaho Code § 33-122.

Private school governing boards may choose to maintain and supervise a school safety patrol to assist children crossing public streets or highways. Idaho Code § 33-1801.

It is unlawful to carry a concealed weapon in a private school. It is a misdemeanor for any person under 21 to carry a concealed firearm, dirk knife, bowie knife, dagger, metal knuckles or other deadly weapon while on the property of a private elementary or secondary school. Idaho Code §§ 18-3302C(1), 18-3302D.

Transportation: Public school districts may transport nonpublic school students, where practicable, when the full costs for providing the transportation are recovered. Idaho Code § 33-1501. The Idaho Supreme Court held public funding of transportation of private school pupils unconstitutional in Epeldi v. Engelking, 488 P.2d 860 (1971), cert. denied, 406 U.S. 957 (1972).

School buses operated by nonprofit, nonpublic schools are subject to an annual registration fee of $12.48. Idaho Code § 49-402(2).

Public Aid for Private Schools/Private School Students: The Idaho Constitution prohibits public appropriations to support sectarian schools. Idaho Const. Art. IX, § 5.

The sale of meals by private schools under the federal school lunch program is exempt from Idaho sales tax. Idaho Code § 63-3622J.

Miscellaneous: Confidential communications by a private school student to any certificated counselor, psychologist or psychological examiner employed by a private school are privileged and protected against disclosure in any civil or criminal action to which the student is a party. Idaho Code § 9-203.

ILLINOIS

The Illinois State Board of Education is responsible for the educational policies and guidelines for private schools by statute, but asserts little control over the individual private schools.

Registration/Licensing/Accreditation: The Illinois State Board of Education is responsible for the educational policies and guidelines for public and private schools, pre-school through grade 12 and vocational education. 105 Ill. Rev. Stat. ch. 5, para. 1A-4C. Nonpublic schools may register with the State Board and/or apply for recognition on a voluntary basis. A school is registered when it has filed with the Board a "Nonpublic School Registration, Enrollment and Staff Report" furnishing such evidence as required to assure compliance with federal and state laws regarding health examination and immunization, attendance, length of term, nondiscrimination, and applicable fire and health safety requirements. Minimum requirements for the recognition of nonpublic schools cover the organization, administration, instructional programs, extra-classroom activities, pupil services, school facilities, and personnel. Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools, March 1984.

Recordkeeping/Reports: The State Board of Education includes in its an annual report to the Governor and General Assembly the number of men and women teachers and total enrollment of private schools. 105 Ill. Rev. Stat. ch. 5, para. 2-3.11.

Every school shall report to the State Board of Education by October 15, the number of children who have received immunizations and health examinations, the number of children who have not complied, and the number of children exempt on religious or medical grounds. 105 Ill. Rev. Stat. ch. 5, para. 27-8.1.

Length of School Year/Days: The school year calendar for registered and recognized nonpublic schools must provide a minimum of 176 days of no less than five hours of instruction, or a yearly total of 880 hours of instruction. Policy and Guidelines for Registration and Recognition of Nonpublic Elementary and Secondary Schools, March 1984, 2.01B and 5.01C.

Instruction in English: Attendance at a private or a parochial school satisfies the Illinois compulsory attendance statute if the instruction in the branches of education is in the English language. 105 Ill. Rev. Stat. ch. 5, para. 26-1.1.

Curriculum: Attendance at a private or a parochial school satisfies the Illinois compulsory attendance statute if the children are taught the branches of education taught to children of corresponding age and grade in the public schools. 105 Ill. Rev. Stat. ch. 5, para. 26-1.1.

Illinois has adopted the Critical Health Problems and Comprehensive Health Education Act for all elementary and secondary schools in the state. The curricula includes studies in human growth and development, family life instruction, AIDS education (grades 6-12), alcohol, tobacco and drug abuse. Pupils are not required to study AIDS or family life instruction if the parent/guardian submits a written objection. The State Board of Education establishes the minimum amount of instruction time to be devoted to the program at all grade levels and makes available instructional materials and guidelines to assist schools. 105 Ill. Rev. Stat. ch. 110, para. 3-4.

Nonpublic school students are eligible to enroll in driver education courses provided through the public schools. 105 Ill. Rev. Stat. ch. 5, para. 27-24.2, 4.

Special Education: Illinois publicly places handicapped children in private schools complying with state regulations if the special education program of a district is unable to meet the needs of the child. 105 Ill. Rev. Stat. ch. 5, para. 14-7.02.

Handicapped students attending nonpublic schools are eligible to receive special education services through part-time attendance at a public school. Transportation shall be provided if required in the child's individual educational program or as the special education program location may require. 105 Ill. Rev. Stat. ch. 5, para. 14-6.01.

Health: Private school students are required to have a health examination, including a tuberculosis skin test if residing in designated areas, within one year prior to entering kindergarten or first grade, upon entering the fifth and ninth grade, and, irrespective of grade, immediately prior to entrance, each child must present proof of an examination as required. At the same time, students must present proof of immunizations against preventable communicable diseases as required by the Department of Public Health. Children may be exempt based on the religious objections of the parents or due to medical contraindications. Every school must report to the State Board of Education by October 15, the number of children who have received immunizations and health examinations, the number of children who have not complied, and the number of children exempt on religious or medical grounds. 105 Ill. Rev. Stat. ch. 5, para. 27-8.1; 410 Ill. Rev. Stat. ch. 235, para. 6.

Safety: The Office of the State Fire Marshal promulgates rules governing the conduct of fire drills. Private schools are required to hold no less than 3 full-participation fire drills during the regular school term. 105 Ill. Rev. Stat. ch. 120, para. 1, 2; ch. 5, para. 10-20.22.

Under the Illinois Missing Child Program, private school administrators are provided periodic information bulletins from the Department of Enforcement apprising them of missing children. If the school determines that a missing child is attending the school, the administrator shall immediately notify the authorities. 105 Ill. Rev. Stat. ch. 5, para. 2-3.73.

Private school students, teachers and visitors must wear industrial quality eye protective devices when participating in harmful specified courses. 105 Ill. Rev. Stat. ch. 115, para. 1.

Liquor licenses are not issued to retailers within 100 feet of any elementary or secondary school, with some exceptions. 235 Ill. Rev. Stat. ch. 5, para. 6-11.

Transportation: District school boards that provide transportation to and from local public schools must provide transportation, without cost, for students attending nonpublic schools. If the student resides at least 1 1/2 miles from the school and along the regular route of the public school bus, the transportation will extend from a point on the route nearest or most easily accessible to the home and the school. If the student resides within 1 1/2 miles from the school, transportation will be afforded on the same basis as provided for public school students. Separate bus routes for nonpublic school students are permitted if it is safer, more economical, and more efficient. 105 Ill. Rev. Stat. ch. 5, para. 29-4. State reimbursement for public school transportation may be withheld for failure to furnish transportation to nonpublic school students. People ex rel. Bd. of Educ. v. State Bd. of Educ., 344 N.E.2d 5 (1976).

The school board of any school district may agree to provide transportation for students attending nonpublic school activities, if the Board provides transportation for public school students and the buses are not needed for public school activities. A charge must be assessed in an amount not less than the cost, including a reasonable allowance for depreciation of the vehicle. 105 Ill. Rev. Stat. ch. 5, para. 29-3.2.

The Chicago Transit Board is authorized to provide free transportation, or transportation at reduced fares, to pupils in attendance at private schools offering grades of instruction comparable to those offered in public schools. 70 Ill. Rev. Stat. ch. 3605, para. 30.

Private school bus drivers must be over 21 years of age, have at least 1 year of driving experience, and hold a valid school bus driver permit. 625 Ill. Rev. Stat. ch. 5, para. 6-104 (b), (d).

Public Aid for Private Schools/Private School Students: No county, city, town, township, school district or other public corporation may make any appropriation to support or sustain any school or academy controlled by any church or sectarian denomination. Illinois Const., Art. 10 § 3; 105 ILCS 5 § 22-10.

The State Board of Education is under a statutory duty to provide the loan of secular textbooks listed for use by the Board free of charge to any student in the state enrolled at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws and the federal nondiscrimination statute, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. Ill. Rev. Stat. ch. 105, para. 18-17. See also Ill. Admin. Code tit. 23, § 350.10-.30.

The Illinois General Assembly may exempt from taxation property used exclusively for school and religious purposes. Illinois Const. Art. IX, Sec. 6.

Tangible personal property purchased by an institution for religious or educational purposes is exempt from Illinois use tax. 105 Ill. Rev. Stat. ch. 3, para. 5.

Private school students and teachers are entitled to equitable participation in all services and activities provided under computer literacy grants awarded to school districts and educational service regions. 105 Ill. Rev. Stat. ch. 5, para. 2-3.43.

Private school students and teachers may benefit from programs and services offered through the state's Educational Service Centers, provided public schools have already been afforded adequate access. The Centers provide education for gifted children through area service centers, computer technology education, mathematics science and reading resources for teachers including continuing education, inservice training and staff development. 105 Ill. Rev. Stat. ch. 5, para. 2-3.62.

Private schools are eligible to participate in the Illinois school lunch and breakfast programs. Applications are provided by the State Board of Education and must be filed through the Regional Superintendent of Schools. 105 Ill. Rev. Stat. ch. 125, para. 5.

Private school students who seek to enroll in a teacher education program in Illinois are eligible for state scholarships in exchange for two years of service in any Illinois public, private or parochial school. 105 Ill. Rev. Stat. ch. 5, para. 30 et seq.

Nonpublic schools are eligible for state grants under the Asbestos Abatement Act. Any recovery by the nonpublic school through litigation, must be used to reimburse the state Asbestos Abatement Fund. 105 Ill. Rev. Stat. ch. 105, para. 9c.

Miscellaneous: Nonpublic school principals may arrange for the part-time attendance of their students at a public school in the school district where the student resides if there is sufficient space. 105 Ill. Rev. Stat. ch. 5, para. 10-20.24.

Nonpublic schools may employ public school employees part-time or on a temporary basis provided the employment is in no way connected or subsidized by their public school employment, or conflicts with an employee's public school duties. 105 Ill. Rev. Stat. ch. 5, para. 24-1.1.

Nonprofit private schools conducted by eleemosynary or religious institutions are protected from excessive tort liability costs under the Tort Liability of Schools Act. Civil actions for personal or property injury must be commenced within one year, notice given to the school within 6 months, and liability is limited to $10,000 in each separate cause of action unless otherwise provided by law. 745 Ill. Rev. Stat. ch. 25, para. 5.

Private schools may conceal the location or address of an individual covered by an order of protection issued by the courts under the Illinois Domestic Violence Act of 1986. The school must maintain a certified copy of the order in the student's records. 750 Ill. Rev. Stat. ch. 60, para. 222.

Illinois gives parents a statutory right to school conference and activity leave (8 hours), with certain qualifications. Private schools must notify parents of their school visitation rights. In addition, it is the responsibility of the school administrator to verify the parent/guardian's school visitation for employers. 820 Ill. Rev. Stat. ch. 147, para. 30.

INDIANA

Indiana laws provide for accredited, nonaccredited, approved and unapproved nonpublic schools. Indiana Code § 20-8.1-3-17.3.

Registration/Licensing/Accreditation: The Indiana State Board of Education has established a performance-based accreditation system available to nonpublic schools. The standards for accreditation are the same standards required of all public schools. Indiana Code § 20-1-1.2-2. An attempt to deny accreditation to a school which denies enrollment on the basis of creed is an interference with the free exercise of religion. Opp. of Atty. Gen. 1975, No. 22, p. 74.

Indiana State Board of Education implements a voluntary system of recognition for nonpublic school educational programs. The system recognizes the distinguishing characteristics of nonpublic schools and is separate from the accreditation standards available to nonpublic schools. Indiana Code § 20-1-1-6.2; 20-1-1.2-2. Ind. Admin. Code tit. 511, r. 6.1-9.

Recordkeeping/Reports: Private schools may require students who initially enroll in the school after July 1, 1988, to provide the name and address of the school last attended and produce reliable proof of the student's date of birth. The school shall request the student's records within fourteen days of enrollment. Indiana Code § 20-8.1-3-17-1(a).

If the proof of a student's date of birth is not provided within 30 days of enrollment or appears to be inaccurate or fraudulent, the school shall notify the Indiana Clearinghouse for Information on Missing Children to determine if the child is reported missing. Indiana Code § 20-8.1-3-17-1(b).

If an Indiana private school receives a request for records, the records must be promptly sent unless the student's records have been flagged by the Indiana Clearinghouse for Information on Missing Children. In that event, the private school must immediately notify the clearinghouse and may not send the records without the authorization of the clearinghouse. Indiana Code § 20-8.1-3-17-1(d).

Private schools must keep an accurate daily record of attendance to verify the enrollment and attendance of any particular child upon request of the State Superintendent of Public Instruction or local Superintendent of the School Corporation. Indiana Code § 20-8.1-3-23.

The principal/school administrator in every private school must furnish, on request of the State Superintendent of Public Instruction, the number of children by grade level attending the school. If a pupil withdraws from the school and the school does not receive a request for records within 15 school days, then the private school must report to the state superintendent of Public Instruction or the local Superintendent of the School Corporation the name and address of the pupil and the date he withdrew. Indiana Code § 20-8.1-3-24(b).

Length of School Year/Days: To comply with the Indiana compulsory attendance statute, private school attendance must extend for the number of days the local public schools are in session. Indiana Code § 20-8.1-3-17(d).

Instruction in English: Indiana's compulsory education statute requires that students attend either a public school or "some other school which is taught in the English language." Indiana Code § 20-8.1-3-17(a).

Curriculum: Nonpublic, nonaccredited and unapproved schools are exempt from curriculum requirements. Indiana Code § 20-8.1-3-17.3.

Nonpublic schools that voluntarily seek state accreditation shall provide instruction in: (1) the constitutions of Indiana and the United States in grades 6 through 12; (2) the systems of government in Indiana and the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in grades 6 through 12 for 5 full class periods within the 2 weeks preceding each general election; (3) morals instruction as outlined by the state superintendent in grades 1-12; (4) safety education for one semester in grade 8; (5) AIDS. Indiana Code § 20-10.1-1-0.5, 3, 4-1, 4-3, 4-4, 4-6, 4-10,

Nonpublic schools that voluntarily seek state accreditation shall administer the Indiana Statewide Testing For Educational Progress (ISTEP) to its students at the same time that school corporations administer the test and make available to the Department of Public Instruction the results. An accredited nonpublic school is entitled to receive the ISTEP program test and the scoring reports used by the Department at no charge. Indiana Code § 20-10.1-16-9.

Special Education: Students requiring special education may be placed at public expense in private schools, in or out-of-state, if their handicap precludes achievement in the local public school setting. The state pays any costs that exceed the regular cost of education born by the local school board. Indiana Code § 20-1-6-19.

Transportation: The local school corporation must provide transportation without charge for parochial school students residing along a highway constituting the regular route of a public school bus. Indiana Code § 20-9.1-7-1.

Private schools may contract with an urban mass transportation system for the transportation of pupils to and from school. Indiana Code § 36-9-4-54.

Private school buses are regulated by the Indiana School Bus Committee which governs the design and operation of all school buses used for the transportation of school children. Indiana Code § 9-21-12-4.

Private school bus drivers are required to attend an annual safety meeting or workshop not to exceed 2 days in any one calendar year. Indiana Code § 20-9.1-3-7, 11.5.

If a bus driver has less than 30 days experience in the 3 prior years, he must satisfactorily complete a preservice school bus driver safety education training course. The course is provided by the State Superintendent of Public Instruction and may not exceed 40 hours. Indiana Code § 20-9.1-3-7.5, 11.5

Private school buses are subject to an annual inspection by the Indiana Police Department to determine whether each bus complies with the safety requirements prescribed for school bus construction and equipment. Indiana Code § 20-9.1-4-5.

Public Aid for Private Schools/Private School Students: The Indiana Constitution provides that no money shall be drawn from the treasury for the benefit of any religious or theological institution. Indiana Constitution Art. 1, § 6.

Students who attend accredited nonpublic schools and meet financial eligibility standards may receive reimbursement payments from the state for textbooks. The Indiana Department of Education provides each school with application forms; the nonpublic schools assist the parents/emancipated minors in completing the forms and make the determination of financial eligibility. The school's application to the state must be filed before November 1 of a school year. Parents/emancipated minors may be reimbursed for textbooks (20% of the cost) and workbooks and consumable textbooks (100% of the cost) that have been adopted by the State Board of Education or waived by the Board. Indiana Code § 20-8.1-9-9.5, 9.6, and 14.

School corporations may rent textbooks to students enrolled in nonpublic schools in compliance with the minimum certification standards of the Indiana Board of Education. Indiana Code § 20-10.1-10.2.

Nonprofit parochial schools maintained by recognized religious denominations are exempt from gross income tax. In order to obtain the exemption, the taxpayer must fulfill certain filing and reporting requirements. Indiana Code §§ 6-2.1-3-22, 19(b)

Students attending accredited nonpublic schools may be eligible to participate in the Twenty-First Century Scholars Program. Indiana Code § 20-12-70-2.

Miscellaneous: A school counselor is immune from disclosing privileged or confidential communication made by a student if the communication was made to him in his counselor capacity. Indiana Code § 20-6.1-6-15.

IOWA

The Iowa Department of Education exercises general supervision over nonpublic schools to the extent necessary for compliance with Iowa school laws. Iowa Code § 256.1.

Registration/Licensing/Accreditation: By definition, "nonpublic school" means any school not directly supported by taxation that is accredited or which uses licensed practitioners as instructors. Iowa Code § 280.2.

The Iowa Board of Education has established rules and procedures for accrediting all nonpublic schools offering instruction in levels K-12. Iowa Code § 256.11. Iowa Admin. Code r. 281-12.1 thru 12.5; 12.8.

The Iowa Supreme Court has ruled that "The state has a clear right to set minimum educational standards [including instruction by a certified teacher] for all its children and a corresponding responsibility to see to it that those standards are honored." Johnson v. Charles City Community Schools, 368 N.W.2d 74 (1975).

Recordkeeping/Reports: The principal of an accredited nonpublic school must furnish, when requested by the secretary of the local public school district, a report of the names, ages, number of days in attendance, and course of study of each pupil at the school. The School District provides the necessary forms. The general request may be made once during each school year and at any time for individual cases. Iowa Code § 299.3.

The governing authorities of nonpublic schools must submit the names, addresses, and dates of birth of currently enrolled students who have attained age 18 or will be 18 within six months to the County Commissioner of Elections. The list must be submitted on September 30 and March 30 of each year. The Commissioner may use this list to send voter registration forms to the student. Iowa Code § 280.9A.2.

Length of School Year/Days: Nonpublic schools must prescribe an attendance policy which requires student attendance for at least 148 days, i.e. at least 37 days each school quarter. Iowa Code § 280.3.

Teacher Certification: By definition, nonpublic schools must be accredited or employ licensed practitioners as instructors. Iowa Code § 280.2. Accredited nonpublic schools must employ certified teachers. Iowa Admin. Code r. 281-12.4(8).

Instruction in English: The medium of instruction in all secular subjects taught in nonpublic schools must be the English language except when a foreign language is deemed appropriate or when the student is nonEnglish-speaking. A nonpublic school must provide special instruction for nonEnglish-speaking students until the child demonstrates a functional ability to speak, write, read and understand the English language. Nonpublic school students may attend transitional bilingual or other special instruction programs supported by state funds that are offered at public schools. Iowa Code § 280.4.

Curriculum: Iowa State Board of Education rules require that a multicultural, nonsexist approach be used by state accredited nonpublic schools and that global perspectives be incorporated into all levels of the educational program. Iowa Code § 256.11.

State accredited nonpublic schools must prescribe a minimum educational program as defined under § 256.11 unless otherwise provided by law or granted an exemption by the Iowa Board of Education. The section outlines a comprehensive curriculum for grades K-6, 7-8 and 9-12 from traditional course offerings to instruction in acquired immune deficiency syndrome. Iowa Code §§ 256.11, 280.3.

As a condition of graduation, state accredited nonpublic schools must require private school students (grades 9-12) to complete one unit of U.S. History and one-half unit of U.S. government which shall include a study of the constitution, and relevant voting statutes and procedures. Iowa Code § 256.11(5b).

Nonpublic schools must incorporate career education into the curricular and cocurricular education experience from grades PK-12. The essential elements of career education must include: 1) awareness of self in relation to others and the needs of society; 2) exploration of employment opportunities and experience in personal decision making; and 3) experiences which will help students to integrate work values and work skills into their lives. Iowa Code § 280.9.

Nonpublic schools serving grades 9-12 must provide 5 units of occupational education subjects e.g. business/office occupations, trade and industrial occupations, consumer and family sciences or home economics occupations, agriculture occupations, marketing and health occupations. Instruction must be competency-based, articulated with postsecondary programs of study, and may include field, laboratory, or on-the-job training. Iowa Code § 256.11b.

Every public school district makes available an approved driver education course to all resident students, including students attending nonpublic schools. The courses may be offered at the public school or at the nonpublic school facilities. Iowa Code § 321.178.

Private schools may participate in Iowa's Community-based Workplace Learning Program (Workstart). Workstart is a voluntary collaborative program between business and Iowa's secondary and postsecondary education system designed to provide high school students the academic and job-specific skills needed to enter the workforce. Iowa Code § 258.17.

Eligible students attending Iowa's accredited private schools may enroll in postsecondary institutions for courses not offered at the private school or at the public school district in which the private school

is located and receive credit towards their high school diploma. The nonpublic school determines the number of high school credits to be granted upon successful completion of the course. Iowa Code § 261C.3-5.

Health: Nonpublic schools cannot require nonadministrative personnel to perform any special health services or intrusive nonemergency medical services for students unless the personnel are licensed or otherwise qualified and have consented to perform the services. Iowa Code § 280.23.

It is a misdemeanor to possess or consume alcoholic liquors, wine, or beer while attending a private school-related function. Iowa Code § 123.46.

Safety: Nonpublic schools must prescribe procedures for handling child abuse reports alleged against an employee or agent of the school in accordance with state guidelines. Iowa Code § 280.17. Private schools must cooperate with investigations of child abuse conducted by the Department of Human Services. The school must provide confidential access to the child alleged to be abused and to other children to obtain relevant information. The investigator may observe the child but a witness must be present. Any child age 10 or older can terminate contact with the investigator by stating his desire to do so. Iowa Code § 232.71.6.

Nonpublic schools must provide eye and ear-protective devices for students and teachers participating in shop or laboratory courses that pose a potential hazard. Iowa Code § 280.10, 11.

Private schools must conduct two fire drills and two tornado drills between July 1 and December 31 of each year and again between January 1 and June 30 of each year. Doors and exits of all rooms and buildings must be unlocked when occupied. Fire/tornado warning systems must be installed and first-aid fire extinguishers available. Private schools are inspected by the state fire marshall's office or the local city fire department at least once every two years to assess compliance with the fire safety standards and to identify potential fire hazards. Iowa Code § 100.31.

Transportation: Iowa students attending accredited nonpublic schools are entitled to transportation on the same basis as provided public school students. Parents may be reimbursed for some transportation costs. Iowa Code § 285.1-3, 10.1, 16.

School bus drivers must meet statutory qualifications, e.g. 18 years of age, physically and mentally competent. Nonpublic schools may immediately suspend a driver, pending a hearing, for the use of nonprescription controlled substances or alcoholic beverages during work hours. (See statute for other grounds for immediate dismissal.) Iowa Code § 321.375.

Private school buses are registered without charge upon application to the Department of Motor Vehicles. The Department issues a registration certificate and plates which are imprinted "Private School Bus" to be attached to the front and rear of each bus. Iowa Code § 321.18.

Public Aid for Private Schools/Private School Students: School Districts may make textbooks available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent. Availability is comparable as to public schools, limited only to the extent funds are appropriated by the general assembly. (The Iowa General Assembly allocated $616,000 for this purpose in 1994-95 and set a limit of $20 per pupil.) Iowa Code § 301.1, 29-30.

Private school students may enroll in public schools for courses not offered at the private school. Private schools may comply with state standards for required courses in this manner. Iowa Code § 256.12.1. Iowa Admin. Code r. 281-14.

School districts and area education agency boards may provide public school services, e.g. health services; special education services; diagnostic services for speech, hearing and psychological purposes; remedial education programs; guidance services; and school testing to children attending nonpublic schools in the same manner and to the same extent provided to public school students. Iowa Code § 256.12.2.

State accredited private school students may be served with media and educational services through Iowa's area 15 education agencies. Iowa Code §§ 273.2, 273.3.19, 257.37.

Nonpublic schools may operate school lunch programs with appropriated state funds but are not required. Meals served under the program must be nutritionally adequate. Iowa Code § 283A.10. Iowa Admin. Code r. 281-58.1

Accredited or approved nonpublic schools are included in Iowa's Board of Education plans for the use of telecommunications as an instructional tool. Representatives of nonpublic schools serve on an advisory committee to make recommendations to the state board. Iowa Code § 256.7.9.

The County Auditor will make voting machines or sample ballots used within the county available for instruction in the schools. Iowa Code § 256.11.5.b.

Miscellaneous: By statute, Iowa has established a nonpublic school advisory committee to advise the Iowa Board of Education on matters affecting nonpublic schools including standards for teacher certification and approval of nonpublic schools. Iowa Code § 256.15.

Iowa serves pupils enrolled in public and nonpublic schools through its new computer initiative launched by the Educational Technology Consortium. The consortium develops plans for computer hardware and software, ensures equal access to educational technology, and makes recommendations for school and home use. Iowa Code § 301A.1 et seq.

Nonpublic schools may adopt policies regarding valid reasons for excused absences from school. Iowa Code § 299.1. The authorities in charge of an accredited nonpublic school must prescribe reasonable rules for the punishment of truants. Iowa Code § 299.9.

As part of Iowa's uniform school requirements, nonpublic schools must appoint an advisory committee to develop goals and plans to meet the major educational needs of their students and to evaluate and report on the school's progress annually. Iowa Code § 280.12.

A nonpublic school superintendent may serve as an elementary school principal in that school provided that the Superintendent holds the proper licensure/certification but cannot also serve as a high school principal in that school. Iowa Admin. Code r. 281-12.4(4).

Nonpublic schools must maintain a suitable flagstaff and raise the United States flag and the Iowa state banner on all school days when weather conditions permit. Iowa Code § 280.5.

Nonpublic schools may obtain licenses to conduct games of skill, games of chance, bingo and raffles at bona fide school functions, such as carnivals, fall festivals, bazaars and similar events. Iowa Code § 99B.7. One or more game nights can be held using play money for student participation without a license if the accredited nonpublic school approves. Iowa Code § 99B.8.

KANSAS

Kansas law allows state accreditation of nonpublic schools. Kan. Ann. Stat. § 72-7513(a)(3).

Registration/Licensing/Accreditation: The Kansas Board of Education accredits public and nonpublic elementary and secondary schools. Kan. Ann. Stat. § 72-7513(a)(3). Nonpublic schools are not required to be accredited, however.

The official custodian of every nonaccredited private elementary or secondary school must register the name and address of the private elementary or secondary school with the Kansas Board of Education. The purpose of this provision is to make available the name and location of the school for the request of student records in the event of a student transfer. Kan. Ann. Stat. §§ 72-53.101; 72-53.102.

Education provided at the high school level by churches or religious denominations satisfies the Kansas compulsory attendance statute if approved by the Kansas Board of Education. Approval is granted for a two-year period based on the following criteria: 1) attendance is mandatory in at least 5 hours of learning activities for each day legally required in the public schools; 2) acceptable learning activities may include parent supervised-projects in agriculture and homemaking, work-study programs or accredited correspondence courses; 3) the program includes at least 15 hours per week of classroom work under the supervision of a capable instructor; 4) students file written reports of the activities they have pursued between class meetings that are regularly evaluated by the instructor; 5) the instructor maintains complete records of the students work and files the records on a monthly basis with the Kansas State Board of Education. Kan. Ann. Stat. § 72-1111(e). (According to the Kansas Department of Education, no church or religious denomination utilizes these provisions, since they may operate as a nonaccredited private school without the restrictions imposed under this subsection of the law.)

Recordkeeping/Reports: The governing authority of a nonpublic school must designate an employee to report students who are not regularly attending school as required by law. The designation must be made by September 1 and certified to the Secretary of Social and Rehabilitative Services, the County or District Attorney, and the Commissioner of Education, or their designee, within 10 days. If a student is absent without excuse for three consecutive school days or 5 or more school days in any semester, the nonpublic school shall notify the parents of their legal responsibility, and if an appropriate response is not received, file a report of the absences with the above authorities. Kan. Ann. Stat. § 72-1113.

Every nonpublic school operating within Kansas must require proof of identity, e.g. preferably a birth certificate, whenever a child enrolls in a school for the first time. If proof of identity is not presented within 30 days, the governing authority must give written notice to the local law enforcement agency for an investigation into the identity of the child. Persons with custody of the child must not be informed of the investigation while it is being conducted. Nonpublic schools are under a statutory duty

to cooperate with the law enforcement agencies conducting the investigation and to provide access to the child. Kan. Ann. Stat. § 72-53,106.

Length of School Year/Day: To satisfy the Kansas compulsory attendance statute, private schools must offer instruction for a period of time which is substantially equivalent to the period of time public schools are open. Kan. Ann. Stat. § 72-1111(a).

Teacher Certification: The Kansas Board of Education certifies teachers and administrators employed at accredited nonpublic schools. Kan. Ann. Stat. § 72-7513(a)(4).

Accredited nonpublic schools are under a statutory duty to adopt a written personnel evaluation policy and procedure for certificated personnel. The policy must be filed with the Kansas Board of Education and provide a minimum schedule of evaluations. Every employee must be evaluated at least one time per semester in the first two consecutive school years of employment, but not later than the 60th day. During the third and fourth years of employment, evaluations must occur annually, but not later than February 15. Thereafter, evaluations must occur at least once every three years but not later than February 15. Kan. Ann. Stat. § 72-9003

Curriculum: Accredited private and parochial elementary schools are required to provide a complete course of instruction in civil government, United States history, patriotism and citizenship. Accredited private and parochial high schools must give a course of instruction in the government and institutions of the United States, particularly the constitution of the United States. No student can graduate from high school without successfully passing such a course. Kan. Ann. Stat. § 72-1103.

Every accredited elementary school must teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of Kansas, civil government and citizenship, health and hygiene, and other subjects as the State Board determines. The State Board is responsible for the selection of subject matter within the fields of instruction, its organization into courses of study, instruction for guidance of teachers, principals and superintendents. Kan. Ann. Stat. § 72-1101.

Accredited nonpublic schools are included in the Kansas Basic Skills-Minimum Competency Assessment Program. Under the program, student performance in reading and mathematics (grades 2, 4, 6, 8 and 10) is assessed to identify the need for remedial instruction, modification of curriculum, instructional materials, strategies and techniques. Private schools are provided the state minimum competency objectives, the examinations for assessment and summary data on performance. The state board has a statutory duty to consult with various groups of school board members regarding the basic skills and the assessments. Kan. Ann. Stat. § 72-9401-9407.

Special Education: Local school boards have the authority to contract with any accredited private nonprofit corporation or public or private institution within or without Kansas which has proper special

education services for exceptional children. The curriculum and the contract shall be approved by the Commissioner of Education upon authorization by the state board. Kan. Ann. Stat. § 72-967(a)(5).

Auxiliary school services must be provided to students attending private, nonprofit elementary or secondary schools on an equal basis as the same services are provided to public school students if requested by the parents. Auxiliary services include speech and hearing diagnostic services, diagnostic psychological services, therapeutic psychological speech and hearing services and programs, and service for exceptional students. Private, nonprofit elementary or secondary schools are defined as organizations regularly offering elementary or secondary education, exempt from federal income tax under § 501 of the Internal Revenue Code, conforming to the Civil Rights Act of 1964, and satisfying compulsory school attendance laws. If services for exceptional children must be provided in the public schools, transportation must be provided by the school district. Kan. Ann. Stat. § 72-5392, 5393.

Health: As of July 1, 1994, every pupil up to the age of nine years who has not previously enrolled in any Kansas school must present a health assessment prior to admission. A health assessment includes a health history, physical examination and such screening tests as are medically indicated to determine hearing ability, vision ability, nutrition adequacy and appropriate growth and development. Nonpublic schools must provide all known incoming students who are subject to this provision with a copy of any governing policy adopted by the school board. Parents are exempt if they are opposed to the assessment based on the religious teachings of their denomination and file a statement to that effect. Local health departments and clinics may charge a sliding fee for the health assessment but no pupil can be denied the health assessment due to inability to pay. Kan. Ann. Stat. § 72-5214.

Private school students enrolling for the first time must present certification that they have received, or are in the process of receiving, the tests and inoculations as required by the Secretary of the Kansas Department of Health and Environment. Alternatively, a student may present certification that the test or inoculation would seriously harm their health, a written statement that the student is an adherent of a religious denomination whose teachings are opposed to such tenets or inoculations, or a written statement by the parent that the test or inoculation is in process and will be completed within 90 days. Private schools must give a copy of this provision and any relevant school policy to all known pupils prior to the commencement of each school year. If a pupil transfer schools, the school must forward the certification or statement with the pupil's transcript to the new school at the parent's request. The area health department will provide tests and inoculations at public expense, to the extent that funds are available, when parent/guardians have not provided for the pupils and are not exempt on religious, medical or personal grounds. Kan. Ann. Stat. §§ 72-5208, 5209, 5210.

Parochial and private school principals have a duty, if ordered to do so, to exclude children affected with diseases suspected of being infectious or contagious until the expiration of the prescribed period of isolation for the particular disease. Kan. Ann. Stat. § 65-122.

All private schools must provide a basic vision screening without charge to every pupil not less than once every two years. The school board must designate someone to perform the test and notify parents/guardians if an examination by a physician or optometrist is warranted. Kan. Ann. Stat. § 72-5204, 5205.

Students enrolled in accredited nonpublic schools are entitled to free basic hearing screenings during the first year of admission and not less than once every three years thereafter. If the nonpublic school is located within the school district, the screening is provided at the nonpublic school. If the nonpublic school is located outside the school district, the screening is conducted in a school of the district.

Safety: Private and nonpublic schools are subject to annual safety inspections. The state fire marshal will notify the school of any dangerous conditions that require correction. Schools may petition for review in the local district court if they disagree with the fire marshall's assessment. Kan. Ann. Stat. § 31-144.

Administrators of private schools are required to conduct at least one fire drill each month at some time during school hours as prescribed by the state fire marshall. In addition, private schools are required to conduct at least three tornado drills during the school year subject to the fire marshall's approval. Kan. Ann. Stat. § 31-133(a)(5), (8).

Smoking or the use of tobacco products in school buildings is prohibited. Kan. Ann. Stat. § 72-53,107.

Private school buildings must comply with applicable building, mechanical, electric and plumbing codes. In addition, the construction of all school buildings must be accessible to persons with a disability. Kan. Ann. Stat. § 31-150.

It is a violation of the Kansas criminal code to possess a firearm on the property of an accredited nonpublic school or to refuse to surrender or immediately remove any firearm when requested by a school employee. Kan. Ann. Stat. § 21-4204.

Under Kansas' criminal code, it is a felony for persons over 18 years of age to possess a controlled substance with an intent to sell on or within 1,000 feet of any property used for an accredited nonpublic school or extracurricular school activity. Kan. Ann. Stat. §§ 65-4127a, 4127b.

No liquor retail, microbrewery, or farm winery license may be issued for premises within 200 feet of a parochial school, unless the school was established within 20 feet of the premises after the license had been issued. Kan. Ann. Stat. § 41-710.

Students and teachers in private schools working in specified activities in vocational, technical or industrial art shops or laboratories and/or chemical-physical laboratories are required to wear appropriate industrial quality eye protective devices. Kan. Ann. Stat. § 72-5207.

Transportation: Private and parochial school students are entitled to transportation along the regular route of the school bus if transportation is provided to public school students. School districts may also provide additional transportation for nonpublic interschool or intraschool functions; but, the terms and conditions must be the same for public and nonpublic students. Kan. Ann. Stat. § 72-8306, 8316.

Privately owned school buses operated under contract with a nonpublic school must comply with state rules and regulations governing the design and operation of school buses implemented by the Secretary of Transportation. Kan. Ann. Stat. § 8-2009.

Public Aid for Private Schools/Private School Students: The Kansas Constitution prohibits any control of the public educational funds by religious sects. Kansas Const. art. 6. Sec. 6.

Property used exclusively for educational purposes is exempt from property taxation in Kansas. Kansas Const. art. 11. Sec. 1. (b); Kan. Ann. Stat. § 79-201.

Private schools may participate in the food service programs and receive reimbursement for meals served. Kan. Ann. Stat. § 72-5112, 5117, 5119.

Students attending accredited nonpublic schools and enrolled in an approved course in driver training offered at the school may participate in the state safety fund and receive renumeration for their expenses. Kan. Ann. Stat. § 8-272.

Nonpublic schools may take advantage of computerized information search services provided through the state library and through the State Board of Education. Kan. Ann. Stat. § 72-7527, 75-2563.

Miscellaneous: Private or parochial schools have a duty to display the United States flag and official state flag every school day from a flagstaff or in inclement weather within the school building. Kan. Ann. Stat. §§ 73-707, 73-712.

Accredited nonpublic schools and their employees are immune from civil liability for any report of student alcohol or drug abuse unless the report was made in bad faith or with malicious purpose. Kan. Ann. Stat. § 72-53,104.

It is a defense to the criminal act, promoting obscenity, that the obscene material was acquired by the private or parochial school and distributed as part of an approved course of instruction at the school. Kan. Ann. Stat. § 21-4301(4)(c).

The governing authority of a nonpublic school must adopt rules for determining valid excuses for absence from school. Kan. Ann. Stat. § 72-1113(c)(2), (g).

Kansas provides for nonpublic school representation on the Teaching and School Administration Professional Standards Advisory Board. By statute, two members of the 21-member board come from nonpublic schools. Kan. Ann. Stat. § 72-8502(d)(8), (9).

KENTUCKY

Kentucky's Constitution ensures no man shall be compelled to send his child to any school to which he may be conscientiously opposed. Kentucky Const. Sec. 5.

Registration/Licensing/Accreditation: Kentucky law provides optional certification for private, parochial, and church schools that comply with curriculum, certification, and textbook standards established by the State Board for Elementary and Secondary Education. Ky. Rev. Stat. Ann. § 156.160(3). Nonpublic schools can be certified based on the accreditation of a recognized regional or national accrediting agency or by a self-study accreditation process through the Kentucky Nonpublic School Commission.

Proprietary schools, i.e. privately owned educational institutions offering instruction in business, trade, technical, industrial, or related areas, but not including parochial, denominational, or eleemosynary schools, are subject to state minimum standards. The standards cover, but are not limited to, the school's facilities, quality and content of courses, qualifications of instructors and administrators, and finances. Student and faculty records must be available for inspection. Ky. Rev. Stat. Ann. §§ 165A.310, 165A.370.

Recordkeeping/Reports: Private and parochial schools are required to report to the local school district superintendent the names, ages, and places of residence of all pupils and any other information the superintendent requires to comply with the laws relating to the compulsory attendance and employment of children. Ky. Rev. Stat. Ann. § 159.160.

If a private, parochial or church regular day school declines to notify the local board of education of those students in attendance, the school must notify each student's parent/guardian in writing and it becomes the duty of the parent/guardian to notify the local board of education. Ky. Rev. Stat. Ann. § 159.030(1)(b).

Private and parochial schools must keep student attendance records in a register provided by the State Board for Elementary and Secondary Education. The schools must make attendance and scholarship reports in the same manner as required of public school officials. The schools must be open to inspection by the directors of Pupil Personnel and officials of the Department of Education at all times. Ky. Rev. Stat. Ann. § 159.040.

Length of School Year/Day: The school term for private and parochial schools may not be shorter than the term of the local public school district; if the school operates year-round then the minimum term is 185 days. Ky. Rev. Stat. Ann. § 158.080.

Instruction in English: Private and parochial schools must be taught in the English language. Ky. Rev. Stat. Ann. § 158.080,

Discrimination: Parochial and private schools occupied by more than 250 persons or 3,200 square feet must be accessible to and usable by physically handicapped persons. Ky. Rev. Stat. Ann. § 198B.260(e).

Curriculum: Private and parochial schools must offer instruction in the several branches of study required to be taught in the public schools of the state. The State Textbook Commission approves text materials for private and parochial schools for certification purposes if texts are comprehensive and appropriate to the grade level in question, notwithstanding they may contain elements of religious philosophy. Ky. Rev. Stat. Ann. §§ 158.080, 156.445(3).

Special Education: Kentucky publicly places students in private schools that maintain special education programs approved by the State Board of Elementary and Secondary Education if the local school district does not provide a special education program for the exceptionality. Transportation costs are included in the covered costs by the state. Ky. Rev. Stat. Ann. § 157.280(1), (2); 707 Ky. Admin. Regs.1:070.

Health: Persons smoking tobacco products on school grounds while children are assembled will be fined not less than $1 nor more than $5, except adult employees smoking in a designated room or individuals smoking in designated areas in secondary schools. Ky. Rev. Stat. Ann. § 438.050.

Safety: Private and parochial schools must establish an earthquake emergency procedure system according to state requirements for every school building having the capacity of 50 or more students, or having more than 1 classroom. Ky. Rev. Stat. Ann. § 158.163.

Kentucky's Department of Environmental Protection, Division for Air Quality, maintains a comprehensive statewide asbestos assessment and response program that identifies and controls asbestos hazards in public and private schools. Under the program, the Division reviews private school asbestos management plans and inspects school buildings for compliance. Ky. Rev. Stat. Ann. § 224.20-300.

The use of machinery for mechanical arts classes in private schools is subject to the approval of the local board of education and the general industrial safety standards. Ky. Rev. Stat. Ann. § 339.430

Public Aid for Private Schools/Private School Students: Kentucky's Constitution prohibits the appropriation, use, or aid of any church, sectarian or denominational school through state taxes levied for educational purposes. Kentucky Const. Sec. 189.

Kentucky's Constitution provides that the common school (public school) fund be appropriated to the public schools and to no other purpose. Kentucky Const. Sec. 184, 186.

Nonprofit educational institutions are exempt from taxation. Kentucky Const. Sec. 170, 186.

Kentucky's statutory provision, Ky. Rev. Stat. Ann. § 171.215, furnishing textbooks to nonpublic schools, was found unconstitutional by the Kentucky Supreme Court. Fannin v. Williams, 655 S.W.2d 480 (1983).

School Districts which contract to furnish transportation to students attending nonpublic schools may adopt any payment formula which assures that no public school funds are used for the transportation of nonpublic students. Ky. Rev. Stat. Ann. § 157.360(2).

Miscellaneous: The Kentucky Department of Education operates a program to identify and locate missing children. By statute, the Department must distribute a list of missing Kentucky school children to private schools monthly. Private schools must notify the Department at its earliest known contact with any child appearing on the list. Ky. Rev. Stat. Ann. § 156.495.

Pupils completing the prescribed elementary program of studies at any approved private or parochial school are entitled to a certificate of completion signed by his/her teachers. The certificate entitles the pupils to admission into any public high school. Ky. Rev. Stat. Ann. § 158.140.

If an unmarried child between the age of 16 and 18 wishes to terminate his education prior to graduation, the principal/designee must conduct a conference with the student and request a conference with the child's parent/guardian. The parent/guardian must sign a written notification of withdrawal, co-signed by the school principal/designee 60 days prior to withdrawal. During the 60 day period, the parent/guardian and child are required to attend a one-hour counseling session to view a Department of Education media presentation on economic statistics and potential problems of nongraduates. Ky. Rev. Stat. Ann. § 159.010(2).

Voter registration forms are available to private schools upon request from the county clerk. The school may designate an individual to inform students and employees of the availability of the forms and assist them in properly registering. The completed forms must be returned to the county clerk for official registration. Ky. Rev. Stat. Ann. § 116.046.

LOUISIANA

Louisiana defines school as an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members, and students. La. Rev. Stat. Ann. § 17:236.

Registration/Licensing/Accreditation: The Louisiana Board of Elementary and Secondary Education approves any private elementary, secondary, or proprietary school upon application, if such school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. La. Const. Art. VIII, § 4. After initial approval the board will annually determine whether the private school is maintaining such quality, and if not, shall discontinue approval of the school. La. Rev. Stat. Ann. § 17:11.

Recordkeeping/Reports: The Superintendent of Education annually reimburses approved nonpublic schools for the actual cost incurred for providing school services, maintaining records and completing and filing mandatory reports e.g. forms, reports or records relative to school approval or evaluation, public attendance, pupil health and pupil health testing, transportation of pupils, federally-funded educational programs including school lunch and breakfast programs, school textbooks and supplies, library books, pupil appraisal, pupil progress, transfer of pupils, teacher certification, teacher continuing education programs, unemployment, annual school data. La. Rev. Stat. Ann. § 17:361. The United States District Court for the Eastern District of Louisiana has ruled that this provision is constituional on its face, but unconstitutional as applied by the Lousiana Department of Education. Helms v. Cody, No. 85-5533, 1994 U.S. Dist. Lexis 8206 (E.D. La. June 10, 1994).

Private schools that receive local, state, or federal funds, directly or indirectly, or whose students or their parents are recipients or beneficiaries of any local, state, or federal education program or assistance must cooperate with visiting teachers or supervisors of child welfare and attendance. Principals must report in writing to the visiting teacher/supervisor of child welfare and attendance the name, birthdate, race, parents, and residence of each pupil in attendance at their schools within 30 days after the beginning of the school term and make other reports as required. Attendance must be taken daily and at the beginning of each class period, verified by the teacher keeping the record, and open to inspection. All schools must immediately report unexplained, unexcused, or illegal absence, or habitual tardiness. La. Rev. Stat. Ann. § 17:232.A, B, C. Private schools that do not receive local, state, or federal funds, directly or indirectly, and neither students or parents are recipients or beneficiaries, are required to report to the Louisiana Department of Education their total attendance as of the 30th day of their school term. La. Rev. Stat. Ann. § 17.232.C. All schools in Louisiana must respond to the request of a city or parish public school system as to whether an individual student is enrolled in the school and fulfilling the compulsory attendance requirements. La. Rev. Stat. Ann. § 17.232.D.

Upon entering a private school for the first time, all children must present a copy of their official birth record to the school principal. Children born in Louisiana will be given a 15 day grace period to secure

a copy of their birth record. Children born out of this state will be given a 30 day grace period in which to produce a copy of their birth record. If birth certificates and/or birth verification cannot be obtained, the school principal may accept whatever positive proof of age, race, and parentage is available. It is left to the discretion of the parish or city superintendent of schools, subject to the authority of the school board, as to whether or not a child shall continue in school upon failure to comply. La. Rev. Stat. Ann. §§ 17:167, 222.

Length of School Year/Day: To be classified as a school under the General School Law provisions, the institution must operate a minimum session of 180 days. La. Rev. Stat. Ann. § 17:236.

Discrimination: Private schools that are racially segregated are ineligible for state assistance of any kind, including textbooks, materials and transportation. Brumfield v. Dodd, 405 F. Supp. 338 (E.D. La. 1977).

Teacher Certification: To be classified as a school under the General School Law provisions, the instructional staff of a nonpublic school receiving local, state, or federal funds or support, directly or indirectly, must be qualified in accordance with the rules established by the Board of Elementary and Secondary Education. If the school does not receive public aid, directly or indirectly, the instructional staff must meet such requirements as may be prescribed by the school or the church. La. Rev. Stat. Ann. § 17:236. Board standards for teacher qualifications are set out in "Bulletins 746 & 1882 Certification Standards & Regulations and Administrative Leadership Academy Guidelines."

Curriculum: State approval of a nonpublic school is dependent on whether the school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. La. Rev. Stat. Ann. § 17:11.

Special Education: Louisiana at times places exceptional students in nonpublic schools. Local education agencies must apply to the state education agency for the authority to place children with disabilities in programs other than public schools. The Office of Special Education ensures that private schools serving exceptional children and receiving funds establish uniform accounting and reporting procedures and meet minimum requirements established by the Department of Education. Funds may be withheld from nonpublic schools that do not comply with the intent of the law following a due process hearing. La. Rev. Stat. Ann. §§ 17:1944(12),(16),(17)(19);1949.

Louisiana provides special education services to nonpublic school students. La. Rev. Stat. Ann. §§ 17:1941-1956. The United States District Court for the Eastern District of Louisiana has ruled that this statute, which allowed state-paid special education teachers to teach on the premises of pervasively sectarian institutions, is unconstitutional as applied. Helms v. Cody, No. 85-5533, 1994 U.S. Dist. Lexis 8206 (E.D. La. June 10, 1994).

Health: Persons entering any school within Louisiana for the first time must present satisfactory evidence of immunization or an immunization program in progress according to the schedule approved by the Office of Public Health. If the student/parent submits either a written statement from a physician that the procedure is contraindicated for medical reasons or a written dissent, the student is not required to be immunized. Administrators of all elementary and secondary schools are responsible for checking students' records to see that these provisions are enforced. In the event of an outbreak of a vaccine-preventable disease at the school, the administrators are empowered to exclude unimmunized students until the appropriate disease incubation period has expired or the unimmunized person presents evidence of immunization. La. Rev. Stat. Ann. § 17:170.

It is the duty of the state health officer to prepare and promulgate rules and regulations relative to public and private schools. Plans and specifications for such public and private building structures and facilities must be submitted to the state health officer for review and approval. La. Rev. Stat. Ann. § 40:4.

Safety: Under the Missing Children Identification Act, parents have the opportunity to have a child identification card created by the local sheriff in cooperation with the elementary schools. The identification card includes the child's photograph and fingerprints and other identifying information. The card becomes the property of the child's parent but is kept in the care and custody of the principal of the elementary school which the child attends. The principal of each elementary school must request parent notification forms from the local sheriff for entering students and anticipated transfer students. The principal must deliver the forms to the parents for their consent no less than two weeks prior to the scheduled identification process. The principal retains all returned parent notification forms, whether granting or denying consent. No cause of action lies against any principal for failure to comply. The sheriff will send an identification officer to the elementary school at a time mutually agreed upon between the sheriff and the principal. La. Rev. Stat. Ann. §§ 40:2514-17.

Transportation: Parish and City school boards must provide free transportation for nonpublic school students attending approved schools, providing the school does not discriminate on the basis of race, creed, color, or national origin. If a parish or city school board determines transportation by bus is impractical, not available, or unwarranted, the board may utilize common carriers. If transportation is not provided by the parish or city school by reason of economically justifiable reasons approved by the State Board of Elementary and Secondary Education, the Department of Education will reimburse the parent of any student who resides more than one mile from the school as funds are appropriated by the legislature, but not more than $125 per student or $375 per family. La. Rev. Stat. Ann. § 17:158.

Contract drivers of all privately owned school buses transporting private school students qualify for a refund of one-half of the gasoline tax and the special fuels tax. La. Rev. Stat. Ann. § 47:715.1.

The Secretary of the Department of Revenue and Taxation will make refunds of gasoline taxes on gasoline used for operating any boat to transport children to or from parochial schools.

Public Aid for Private Schools/Private School Students: According to the Louisiana Constitution, the legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education to the children of the state. La. Const. Art. VIII, § 13.

See **Recordkeeping and Reports**.

Approved nonpublic schools may voluntarily pool their bids with city and parish school boards for purchases of school buses and related equipment. The Department of Education prepares bid forms and specifications, obtains quotations of prices, and makes such forms and information available to school boards and any participating nonpublic schools in order to facilitate this service. La. Rev. Stat. Ann. § 158.3.

Property owned by nonprofit corporations, organized and operated exclusively for religious or educational purposes and exempt from federal and state income tax, are exempt from ad valorem taxation. La. Const. Art. VII, § 21.

City and parish school boards which disburse school library books, textbooks, and other materials of instruction to nonpublic school students may submit to the Superintendent of Education documentation to verify administrative costs and receive reimbursement from the state. La. Rev. Stat. Ann. § 17:353.

Full-time classroom teachers employed by approved nonpublic schools may attend college and university courses tuition-free under Louisiana's classroom teacher enrollment program. Teachers may receive up to six credit hours per semester. They are obligated to practice their profession in the elementary or secondary schools of Louisiana for at least the subsequent school year. La. Rev. Stat. Ann. § 17:3129.3.

In 1970, the Louisiana Supreme Court ruled unconstitutional Louisiana's Secular Educational Services Law, La. Rev. Stat. Ann. §§ 17:1322-1324, that would have allowed the Superintendent of Public Education to purchase secular educational services from nonpublic school teachers to be performed at nonpublic schools with public funds. Seegers v. Parker, 241 So.2d 213 (1970).

Miscellaneous: All certificates and diplomas issued by an approved private school shall carry the same privileges as one issued by a state public school. La. Rev. Stat. Ann. § 17:11.

The Louisiana State Board of Elementary and Secondary Education must appoint an advisory committee of private and proprietary school representatives to advise and counsel the board relative to standards and guidelines affecting these schools. La. Rev. Stat. Ann. § 17:11.

School boards of the several parishes are prohibited from running any public school in combination with any private or parochial school. La. Rev. Stat. Ann. § 17:153.

Approved nonpublic schools may receive upon request and without cost progress profiles of their students at Louisiana colleges and universities. The performance data includes a standard designation

of students by age or by high school graduation date and the program they completed in high school. The report includes information on the number of students from each high school in each system requiring remedial training and the subject matter of such training. La. Rev. Stat. Ann. 3912.C.(3).

Private schools may request the Department of Transportation and Development to place directional signs to identify the location of their school. The Department will erect and maintain each sign. The cost of the sign must be paid for in advance by the requestor. La. Rev. Stat. Ann. § 32:238.

MAINE

Maine distinguishes between private schools approved for attendance purposes, private schools recognized by the Department as providing equivalent instruction, (including nonapproved private schools and approved nontraditional limited purpose schools), and private schools approved for tuition purposes.

Registration/Licensing/Accreditation: Attendance at a private school satisfies the compulsory attendance requirement if the private school is approved for attendance purposes or is recognized by the Department of Education as providing equivalent instruction. Me. Rev. Stat. Ann. tit. 20-A, § 5001-A.

A private school may operate as an approved private school for attendance purposes (basic school approval) if it meets hygiene, health, and safety standards and is either currently accredited by the New England Association of Colleges and Secondary Schools or meets applicable state requirements. The state requirements mandate compliance with: 1) immunization provisions; 2) English as the language of instruction; 3) courses required by law; 4) instruction in the basic curriculum established by the Commissioner; 5) certified teachers, and additional approval requirements adopted by the State Board and the Commissioner. In addition, private secondary schools applying for approval for attendance purposes must meet requirements of a minimum school year, sufficient school day length, student-teacher ratio of not more than 30 to one, not less than 2 consecutive grades, and adequate maintenance of safely protected records. Me. Rev. Stat. Ann. tit. 20-A, § 2902. The Commissioner may remove basic approval pursuant to a hearing for failure to meet applicable approval requirements. Me. Rev. Stat. Ann. tit. 20-A, § 2904.

Schools choosing the accreditation method of approval for attendance purposes must make accreditation reports to the Commissioner on a timely basis and notify the Commissioner of any determination that the school is not accredited or is on probation. Me. Rev. Stat. Ann. tit. 20-A, § 2906.

Nonapproved private schools may voluntarily provide information on an annual basis to the Commissioner and/or Superintendent to establish students enrolled are receiving equivalent instruction in compliance with the compulsory school attendance law. The information should be provided in an annual letter signed by the chief administrator of the private school and include an affirmation that the school provides the basic curriculum by competent teachers for a minimum of 175 days or 875 hours; complies with fire, health, and safety laws; provides academic assessment and progress reports for parents; and, attendance notification to the local Superintendent. "Guideline for Equivalent Instruction in Non-Approved Private Schools, Department of Education."

A nonprofit institution may operate as an approved nontraditional limited purpose school if it demonstrates a commitment to the educational process and to the State's youth by possessing: 1) a governing board composed of a cross section of the community; 2) an established educational plan; 3) a written curriculum with appropriate goals, objectives and instructional strategies; 4) specific instructional time commensurate with the educational activities planned; 5) facilities that comply with state health, safety and fire codes; 6) an instructional staff certified by the Department of Education

where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution; 7) school health services that include a registered nurse in residence when students are in attendance or the appointment of a school or consulting physician; 8) established written emergency and safety procedures including periodic fire drills whenever appropriate; 9) unique up-to-date equipment necessary to the services provided; 10) a demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and, 11) scholarship assistance to the State's youth. Me. Rev. Stat. Ann. tit. 20-A, § 2907.1. Code Me. R. § 250.

A private secondary school may be approved for the receipt of public funds for tuition purposes if it: 1) meets the requirements for basic school approval; 2) is a nonsectarian school; 3) is incorporated under the laws of Maine or the United States; 4) complies with reporting and auditing requirements; and 5) if the school enrolls 60% or more publicly-funded students, participates in the Statewide Assessment Program. Me. Rev. Stat. Ann. tit. 20-A, § 2951.

Recordkeeping/Reports: By April 15th and October 15th of each year, the principal of each private school must report to the Commissioner the number of students attending his/her school. Me. Rev. Stat. Ann. tit. 20-A, § 6004.

A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the school administrator, has been filed with the school officials of the local administrative unit. Me. Rev. Stat. Ann. tit. 20-A, § 5001-A.3.A.(2).

Chief administrative officers shall keep uniform records of the immunization status of each student. The records shall be part of the student's permanent records. By December 15th of each year, each chief administrative officer shall submit to the Director of the Bureau of Health on a form provided a summary report of the immunization status of the students entering school. Me. Rev. Stat. Ann. tit. 20-A, § 6353.5.

A private secondary school receiving state funds, directly or indirectly, and a private school approved for tuition and attendance purposes must report annually, on or before July 15th, information required by the Commissioner. Me. Rev. Stat. Ann. tit. 20-A, § 2952. An annual audit must be furnished to the State Auditor on or before September 1st of each year. Me. Rev. Stat. Ann. tit. 20-A, § 2953.

See **Special Education.**

Length of School Year/Day: A private secondary school approved for the purposes of attendance must have at least 175 instructional days. Me. Rev. Stat. Ann. tit. 20-A, § 4801.1

Instruction in English: English is the basic language of instruction in all schools except, subject to the Commissioner's approval, schools may provide transitional instruction using bilingual techniques

for students of limited proficiency in English and providing proficiency in English and a second language. Me. Rev. Stat. Ann. tit. 20-A, § 4701.

Discrimination: Private schools approved for tuition purposes are prohibited from unlawful educational discrimination on the basis of sex, physical or mental disability or national origin or race. Me. Rev. Stat. Ann. tit. 5, § 4553, 4602, 4604.

Health and remedial services, instructional materials and equipment provided with appropriated public funds, and the admission to recipient nonpublic schools must be provided without distinction as to race, creed, color, or the national origin of the pupil and of their teachers. Me. Rev. Stat. Ann. tit. 30-A, § 5724.9.

Teacher Certification: Teachers must be certified by the commissioner to teach in any private school receiving basic approval, except those schools currently accredited by the New England Association of Colleges and Secondary Schools. Me. Rev. Stat. Ann. tit. 20-A, §§ 2901, 13003.

A private school approved for tuition purposes may not employ a provisional teacher unless it has an approved, locally designed, support system or has received specific authorization from the Commissioner. Me. Rev. Stat. Ann. tit. 20-A, § 13015.

Curriculum: Private elementary schools approved for attendance purposes by the department must provide instruction in reading, writing, spelling and grammar; library instruction; mathematics; science; music, art and drama; American History and government; social studies; Maine Studies, including the history, geography, culture and natural and industrial resources of the State; health, hygiene and safety; physical education; and physiology and hygiene with special reference to the effects of substance abuse, including alcohol, tobacco and narcotics upon the human system. Me. Rev. Stat. Ann. tit. 20-A, §§ 2902.3, 4706, 4711.

Private secondary schools approved for attendance purposes by the department must provide instruction in English, Social Studies and history including American History and Maine studies, mathematics, science, fine arts, health and physical education, and computer instruction. Me. Rev. Stat. Ann. tit. 20-A, §§ 2902.3, 4706, 4722, 4723, 4724.

Private schools approved for attendance purposes must provide instruction in the basic curriculum established by rule by the Commissioner, including minimum time requirements and performance standards. Me. Rev. Stat. Ann. tit. 20-A, §§ 2902.4, 4704.

Private schools approved for attendance purposes may participate in the State Assessment of Student Performance program with the approval of the Commissioner and upon payment of the actual cost of the assessment. Me. Rev. Stat. Ann. tit. 20-A, § 6207.

Private schools approved for tuition purposes, whose enrollment includes at least 60% publicly-funded students, must participate in the Statewide Assessment Program. The assessment program measures the academic achievement of students in grades 4, 8, and 11 in basic subjects, i.e. reading, writing and mathematics, and potentially science and social studies on a sampling basis in alternate years. Me. Rev. Stat. Ann. tit. 20-A, § 6202.

Only driver education teachers certified by the Commissioner may be employed by an approved private secondary school to teach driver education. If a certified instructor is unavailable and the private school requests, the Commissioner may grant a temporary certificate to any person who holds a Class A license. Approved private secondary schools may contract with a commercial driver education school to provide driver education as part of the secondary school curriculum. Me. Rev. Stat. Ann. tit. 20-A, § 8703.

Special Education: The Commissioner may require that special education programs in approved private schools comply with rules regulating the public schools. Me. Rev. Stat. Ann. tit. 20-A, § 7501. It is the duty of the Commissioner to define allowable special education services and the qualifications of individuals who provide special education services by regulation. Me. Rev. Stat. Ann. tit. 20-A, § 7252-B. All special education programs offered by approved private schools must be: 1) under the supervision of the school administrative unit responsible for the education of the enrolled exceptional student; 2) described in a master contractual agreement between the private school and the Commissioner; and 3) approved in advance of the enrollment of any exceptional student. Me. Rev. Stat. Ann. tit. 20-A, § 7252-A.

Approved private schools providing special education services must submit reports as required by the Commissioner. Me. Rev. Stat. Ann. tit. 20-A, § 7252-B.

The Commissioner regulates tuition rates for private special education programs publicly funded by the state. Me. Rev. Stat. Ann. tit. 20-A, § 7302.

The Commissioner will investigate written complaints against private schools serving exceptional students according to adopted procedures. Me. Rev. Stat. Ann. tit. 20-A, § 7206.

Health: No chief administrative officer may permit any student to be enrolled or attend school without evidence of required immunization or immunity unless the parent/student provides a written statement that immunization may be medically inadvisable or a written statement that immunization is contrary to a sincere religious belief or opposed for moral, philosophical or other personal reasons. Upon notice from a public health official that a student's presence presents a clear danger to the health of others, a chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student is immunized. Private schools may adopt more stringent immunization requirements. Me. Rev. Stat. Ann. tit. 20-A, § 6353.3, 4, 6.

The Department of Education offers technical assistance to approved private schools to aid in the establishment of school-based substance abuse programs and health education curricula. Me. Rev. Stat. Ann. tit. 20-A, § 6605.

Medication may not be administered by unlicensed personnel at private schools, except as provided by the written prescription of a physician or dentist or by written permission of the parent/guardian. Me. Rev. Stat. Ann. tit. 20-A, § 254.

Safety: A state liquor store or an agency liquor store may not be established within 300 feet of any K-12 private school. Me. Rev. Stat. Ann. tit. 28-A, § 351.

It is a civil offense to disturb a private school during or out of school hours while a teacher or student is present and is punishable by a fine not less than $2 nor more than $20. Me. Rev. Stat. Ann. tit. 20-A, § 6804.

Transportation: Municipalities may appropriate money to provide transportation of school children to and from nonprofit schools other than public schools. Me. Rev. Stat. Ann. tit. 30-A § 5724.5.

Public Aid for Private Schools/Private School Students: The Maine Constitution states that it is the Legislature's "duty to encourage and suitably endow academies, colleges, and seminaries of learning within the state," provided that the Legislature has the right to grant any further powers to "limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof." Maine Const. art. 8, Sec. 1.

Municipalities may appropriate money to purchase approved secular textbooks and loan them to pupils or parents of pupils attending nonpublic elementary and secondary schools upon request. The requests for texts submitted by nonpublic school pupils or parents will be forwarded to the nonpublic school for administrative convenience. The nonpublic school will prepare a collective summary of the individual requests and submit the summary to the school committee or board of directors. Me. Rev. Stat. Ann. tit. 30-A, § 5724.6.

Municipalities may appropriate money to provide physician, nursing, dental and optometric services to pupils attending nonpublic elementary and secondary schools if available to pupils attending public schools. Services may be provided to nonpublic school students in the nonpublic school attended. Me. Rev. Stat. Ann. tit. 30-A, § 5724.7.

Municipalities may appropriate money to provide standardized tests and scoring services in use in the public schools to pupils attending nonpublic elementary and secondary schools. Me. Rev. Stat. Ann. tit. 30-A, § 5724.8.

A school district may contract with a private school approved for tuition purposes for all or part of its secondary school pupils. Me. Rev. Stat. Ann. tit. 20-A, §§ 1258, 2702-4.

Tuition payments to private schools approved for tuition purposes must be paid within 30 days of the billing date. If the tuition is not paid accordingly, the principal of the private school must inform the Commissioner. The Commissioner will pay the tuition due and deduct that amount from the state school subsidy to the school administrative unit owing tuition. Me. Rev. Stat. Ann. tit. 20-A, § 5810.

Tuition rates charged to school administrative units for publicly placed students in private elementary and secondary schools are regulated. Me. Rev. Stat. Ann. tit. 20-A, § 5804-5806.

Private schools may adjust their tuition rates for the cost of removing architectural barriers to comply with the Vocational Rehabilitation Act of 1973 with prior approval of the Commissioner. Me. Rev. Stat. Ann. tit. 20-A, § 5807.

A municipality may not provide services, materials or equipment for use in religious courses, devotional exercises, religious training or any other religious activity. Me. Rev. Stat. Ann. tit. 30-A, § 5724.9.

The state is authorized to administer programs under the Child Nutrition Act benefitting private school students provided the State is not required to appropriate state funds for meals served in private schools. Me. Rev. Stat. Ann. tit. 20-A, § 6602.

Sales to schools; sales of meals served by private schools, student organizations and parent-teacher associations to the students or teachers of a school; and, the sale of automobiles used in driver education programs are exempt from sales tax. Me. Rev. Stat. Ann. tit. 36, § 1760.

Private schools approved for tuition purposes are eligible for innovative education grants to promote creative improvement in the schools of the state. Me. Rev. Stat. Ann. tit. 20-A, § 17101.

The Department of Education may award subgrants to private schools out of federal grant funds when permitted by the terms of the funding statute. Me. Rev. Stat. Ann. tit. 20-A, § 15401.

The Commissioner may contract with a private school for applied technology courses that meet the public secondary school standards. Me. Rev. Stat. Ann. tit. 20-A, § 3002.

Approved nontraditional limited purpose schools are ineligible for state subsidy. Me. Rev. Stat. Ann. tit. 20-A, § 2907.4.

Private schools approved for tuition purposes whose school enrollment is at least 60% publicly funded students may purchase surplus property through the Bureau of Purchases. Me. Rev. Stat. Ann. tit. 5, § 1813-A.

Miscellaneous: The Maine Constitution provides "all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance." Maine Const. art. 1. Sec. 3.

The chief administrator employed by a private school approved for attendance purposes is required to hold a principal's certificate. Me. Rev. Stat. Ann. tit. 20-A, § 13019-B.

Under the Blaine House Scholars Program, loan recipients for post-secondary education may cancel the total amount of the loan by performing return services in private schools approved for tuition purposes in the state. Me. Rev. Stat. Ann. tit. 20-A, §§ 12507, 12508.

The Commissioner's advisory council on truancy, dropouts, and alternative education has by statute, representation from the administrators of private schools involved in alternative education. Me. Rev. Stat. Ann. tit. 20-A, § 5152. The Commissioner employs at least one consultant to provide technical assistance on alternative programs to school administrative units and private schools approved for tuition purposes. Me. Rev. Stat. Ann. tit. 20-A, § 5151.

The use of animals in public and private schools is regulated by statute. Vivisection of animals in K-12 schools is prohibited. Dissection of dead animals must be confined to the classroom and the students engaged in the study and must not be for exhibition. Experiments on live vertebrate, except eggs, are restricted. Me. Rev. Stat. Ann. tit. 7, § 3971.

Private schools are exempt from the state's criminal law prohibiting dissemination of obscene material to minors if exhibited for purely educational purposes. Me. Rev. Stat. Ann. tit. 17, § 2911.2.

The Commissioner will periodically review all private schools which receive public funds to determine their compliance with the applicable provisions of the education code. The Commissioner may, as a condition of approval, inspect any private school which applies for approval status. Me. Rev. Stat. Ann. tit. 20-A, § 258-A.

MARYLAND

An approved nonpublic school must have an educational program in English-language arts, mathematics, science, and social studies which is appropriate for students enrolled. Md. Regs. Code tit. 13A, § 09.09.07.

Registration/Licensing/Accreditation: Certificates of approval are required in Maryland to operate "noncollegiate educational institutions," which include private K-12 schools. Institutions operated by bona fide church organizations are exempt from this requirement. (However, the bona fide church organization must submit written notice to the State Department of Education that it is responsible for governing and operating the school. Md. Regs. Code tit. 13A, § 09.09.01C. Certificates are issued based on the adequacy and appropriateness of the facilities, conditions of entrance and scholarship, educational qualifications and standards for the purpose of the institution, its program, and certificates or diplomas issued. Md. Education Code Ann. § 2-206(a), (e). Md. Regs. Code tit. 13A, § 09.09.03.

Recordkeeping/Reports: Approved nonpublic schools must maintain a cumulative record of each student enrolled including the following: name, birthdate, address, admission date, withdrawal date, performance information in each curricular area; and daily attendance. Md. Regs. Code tit. 13A, § 09.09.08.

Approved nonpublic schools must be prepared to present a transcript of the secondary school record of each student for each year enrolled. Md. Regs. Code tit. 13A, § 09.09.09.C.

If a private school ends operations in Maryland, the institution must file with the State Superintendent of Schools the original or a legible copy of all essential records of the academic achievement of each former student in grades 9 through 12. The records will become a permanent file maintained by the State Superintendent to provide an academic record as required by postsecondary educational institutions for admission. Md. Education Code Ann. § 2-304.

The State Board of Education requires each private school to report annually, on or before August 31, the school's enrollment and courses of study on forms provided by the Board. Md. Education Code Ann. § 2-205(n).

The principal/head teacher of a private school is required to report immediately a student's absence or irregular attendance without lawful excuse, or evidence of maladjustment to the county superintendent, supervisor of pupil personnel, or his designee, in order to resolve the situation. Md. Education Code Ann. § 7-302.

Private or parochial school employees are immune from civil liability for: 1) making reports required by law, if the individual acts on reasonable grounds; 2) participating in a judicial proceeding that results from the individual's report; and, 3) making a report to an appropriate school official or parent if the

or state confidentiality laws. Md. Education Code Ann. § 6-109; Md. Courts & Judicial Proceedings Code Ann. § 6-1095-354.

Length of School Year: An approved nonpublic school must provide for at least 170 days for implementation of the school program. Md. Regs. Code tit. 13A, § 09.09.10.C.

Discrimination: An approved nonpublic school must certify to the Department of Education that it does not practice discrimination based upon race, color, or national origin. Md. Regs. Code tit. 13A, § 09.09.10.E.

Teacher Certification: Teachers at approved nonpublic schools must have a bachelor's degree or 120 semester hour equivalence. (Teachers in a Montessori school must have in addition a Montessori diploma for the level of assignment.) In exceptional cases, the qualifications of a teacher may be waived. Md. Regs. Code tit. 13A, § 09.09.06.

Curriculum: The State Board of Education establishes minimum requirements for issuing certificates or diplomas by private noncollegiate educational institutions which include private K-12 schools. Md. Education Code Ann. § 2-206(d). An approved nonpublic school must have an educational program in English-language arts, mathematics, science, and social studies which is appropriate for students enrolled. Md. Regs. Code tit. 13A, § 09.09.07.

An approved nonpublic school must require at a minimum the following credits for secondary school graduation: 4 credits in English-language arts; 2 credits in social studies to include at least one credit in U.S. History; 4 credits in science and mathematics (at least 1 credit in each); and, 8 additional credits in accordance with the school's written requirements. Md. Regs. Code tit. 13A, § 09.09.09.

Special Education: Children who need special educational services that are not provided in a public program will be placed in an appropriate nonpublic educational program that offers these services at public expense. Md. Education Code Ann. § 8-409 et seq.

It is the duty of the State Board of Education to adopt guidelines for the approval of public placement of handicapped children in nonpublic schools if suitable public programs are not available. Standards for the education of handicapped children enrolled in programs operated by agencies other than a county board must be as high as the standards for county board programs. Md. Education Code Ann. § 8-403(a), (c), (d)(6).

County boards of education must provide/arrange for the transportation of handicapped students publicly placed in nonpublic schools. Md. Education Code Ann. § 8-412 et seq.

Health: For initial issuance of a certificate of approval, a nonpublic school must verify that it is in compliance with applicable health, fire safety, and zoning regulations. Md. Regs. Code tit. 13A, § 09.09.11.

An individual who has tuberculosis in a communicable stage may not work in any capacity in a private or parochial school. Certification and tests may be required as regulated by the Department of Health and Mental Hygiene. Md. Education Code Ann. § 7-404.

County health departments must provide and fund hearing and vision screening for all students in approved nonpublic schools and approved nonpublic special education facilities. Md. Education Code Ann. § 7-403.

An approved nonpublic school, in conjunction with the local health department, must provide scoliosis screening tests for all students at least once in grades 6 through 8. Md. Regs. Code tit. 13A, § 09.09.11.C.

Safety: Employers and employees of private schools are required to apply for a federal and state criminal background investigation through any law enforcement office in the state. Private schools may also require volunteers at the school to obtain a criminal background investigation. The applicants are responsible for fees assessed unless the employer agrees to pay the costs. Md. Family Law Code Ann. § 5-561.

An educator acting in a professional capacity who has reason to believe a child has been subjected to abuse or neglect, must notify the appropriate authorities and the head of the school. Md. Family Law Code Ann. § 5-704.

Transportation: School buses used to transport students to nonpublic schools must be equipped with seat back crash pads that meet the standards established by the Motor Vehicle Administration. Md. Transportation Code Ann. § 22-417.

School buses, owned by private schools that are exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code, are not subject to excise taxes upon issuance of a certificate of title. Md. Transportation Code Ann. § 13-810.

Public Aid to Private Schools/Private School Students: Property, used exclusively for a charitable or educational purpose to promote the general welfare of the people of Maryland and owned by a nonprofit educational organization, is exempt from property tax. The limit on exemptions for real property is 100 acres. Md. Tax-Property Code Ann. § 7-202(b), (c).

The Archaeology Office, Department of Housing and Community Development, makes exhibits available to private schools and assists in the instruction of the life of the early settlers and natives of the State. Md. Natural Resources Code Ann. § 2-303(7).

The State Archivist provides without charge a copy of each new Maryland Manual to each private educational institution. Md. State Government Code Ann. § 9-1027.

County Boards may allow private or parochial schools to connect to a closed-circuit educational television system maintained for public schools but at no cost to the county or State. Md. Education Code Ann. § 7-107.

Miscellaneous: Maryland statutorily provides for representation of nonpublic schools on the Professional Standards and Teacher Education Board. One nonpublic school teacher and two administrators are chosen to serve on the 25 member board from nominees provided by the Association of Independent Schools. Md. Education Code Ann. § 6-703(a)(2)(ii) and (v).

A school board's refusal to permit a student at sectarian highschool to participate in county extra-curricular activity did not violate student's rights under the Maryland constitution. Thomas v. Allegany County Bd. of Education, 443 A.2d 622 (1982).

MASSACHUSETTS

Pupils who attend approved private elementary and secondary schools in Massachusetts are entitled to the same rights and privileges to transportation to and from school as provided by law for public school students. Mass. Gen. L. ch. 76, § 1.

Registration/Licensing/Accreditation: Attendance at a private school satisfies the compulsory attendance requirement if the school is approved by the school committee. School committees will approve a private school when satisfied that the instruction equals the public schools in the same town in thoroughness and efficiency and in the progress made. A school committee may not withhold approval based on the school's religious teaching. Mass. Gen. L. ch. 76, § 1. (The "school committee" in Massachusetts is the local educational agency.)

Recordkeeping/Reports: The supervisory officers of all private schools must report the name, age and residence of any child enrolled in the school to the superintendent of schools of the town where such children reside within 30 days of enrollment. If a child withdraws from the school, the officers must notify the superintendent within 10 days. Mass. Gen. L. ch. 72, § 2.

The local superintendent of schools files an annual report with the Commissioner of Education on or before May 1st on the number of pupils enrolled in nonpublic schools within the district. The information is collected during the months of January and February. Mass. Gen. L. ch. 72, § 2A.

Private school administrators and teachers are required to provide information or reports requested by any justice relating to the attendance, conduct, and standing of any pupil enrolled, if the pupil is awaiting examination or trial or is under the supervision of the court. Mass. Gen. L. ch. 119, § 69.

Persons operating an education institution have an obligation to provide a written transcript of a student, or former student, at his request. The first copy must be provided free. Schools may charge a fee for duplicates not exceeding one dollar for each page, but not exceeding five dollars for an entire transcript. Anyone denied a transcript may petition the courts for relief. Mass. Gen. L. ch. 71, §§ 34A, 34B.

Length of School Year/Day: Local school committees may require private schools to provide the same quantity of instructional time as public schools as part of their approval process. "Guidelines for Approval of Private Schools," issued by the Massachusetts Department of Education, August 1982.

Special Education: School committees may enter into agreements with private schools to provide special education within the city, town, or school district, subject to the parent/guardian's consent and constitutional limitations. Mass. Gen. L. ch. 71B, § 4. School committees may authorize the

prepayment of tuition for a period not exceeding 3 months to any approved private school. Mass. Gen. L. ch. 71, § 71D.

The Department of Education must approve the placement of a child with special needs in a private school and the Rate Setting Commission must approve the rate charged by the private school. Commonwealth v. School Committee of Springfield, 417 N.E.2d 408 (1981).

Health: Pupils attending private schools may receive screening for sight, hearing, and other physical defects through the local school committee or board of health at the request of a parent/guardian, providing the private school is approved and does not discriminate in its entrance requirements on the basis of race or color. Mass. Gen. L. ch. 71, § 57.

No person suffering from tuberculosis in a communicable form may be employed by a private school. Prior to beginning employment, school employees must file with the school administrator a report certifying their freedom from tuberculosis in a communicable form. Mass. Gen. L. ch. 71, § 55B.

Safety: Private school teachers who have reasonable cause to believe a child under 18 is suffering physical or emotional injury resulting from abuse or from neglect are under an obligation to immediately report the condition to the school administrator. The private school administrator is responsible to notify the Department of Social Services. Mass. Gen. L. ch. 119, § 51A.

Persons apprehended for manufacturing or distributing controlled substances within 1000 feet of a private elementary, vocational, or secondary school will receive a mandatory sentence of not less than 2 years. Mass. Gen. L. ch. 94C, § 32J.

Each institution of secondary education must file, at least annually, a report with the board of education certifying that the school has informed its students of the hazing prohibition and adopted and disseminated a disciplinary policy with regard to the organizers and participants of hazing. Mass. Gen. L. ch. 269, § 19.

Transportation: Pupils who attend approved private schools are entitled to the same rights and privileges to transportation to and from school as are provided for public school students. Mass. Gen. L. ch. 76, § 1.

Street or elevated railway companies must provide special rates for public and private school students during the days or evenings when school is in session not to exceed 1/2 of the regular fare. Mass. Gen. L. ch. 161, § 108.

Public Aid for Private Schools/Private School Students: The Massachusetts Constitution provides that no appropriation of public money may be made to aid a primary or secondary school that is not publicly owned and under the exclusive control of public officers authorized by the Commonwealth.

Mass. Const. Ann. Amend. Art. 18 § 120. Textbook loans to pupils of private schools violates the state constitution. Bloom v. School Committee of Springfield, 379 N.E.2d 578 (1978).

Private school property is exempt from property taxation as a "literary, benevolent, charitable and scientific institution." Mass. Gen. L. ch. 59, § 5. Board of Assessors v. Garland School of Home Making, 6 N.E.2d 374 (1937).

Miscellaneous: Private and parochial school students, grades 4-8, may operate a student bank with the approval of the governing board of the school. The student bank must be: 1) conducted as an educational program; 2) managed by the students; 3) accept deposits and sell shares from personnel and students, but not to exceed $500; and, 4) be liquidated at the close of the school year with the assets distributed among the shareholders or depositors. Mass. Gen. L. ch. 167, § 37B.

By statute, one of the 14-member Massachusetts Educational Communications Commission is a representative of private elementary and secondary education. Mass. Gen. L. ch. 6, § 158.

Massachusetts Art Week is celebrated the last week of May and private schools are encouraged to observe the tradition by the display of works of art and appropriate exhibitions and ceremonies. Mass. Gen. L. ch. 6, § 15D.

MICHIGAN

Under Michigan law, the Superintendent of Public Instruction has supervisory power over all private, denominational and parochial schools, i.e. schools other than public schools giving instruction to children below the age of 16 years, in the first 8 grades. The sanitary conditions, the courses of study, and the qualifications of the teachers are intended to meet the same standards provided under the general school laws of the state. Mich. Comp. Laws §§ 388.551; 388.552.

Registration/Licensing/Accreditation: Nonpublic schools satisfying the compulsory school attendance statute must be approved by the state. Mich. Comp. Laws § 380.1561(3).

Recordkeeping/Reports: At the beginning of each school year, nonpublic schools are required to report the following information to the local superintendent of schools: 1) the name and age of each child enrolled; 2) the school district in which the parent/guardian resides; 3) the name and address of the parent/guardian; and 4) the name and age of each child enrolled who is not in regular attendance. Mich. Comp. Laws § 380.1578. Gathering statistical data from a parochial school for approval purposes in the same manner as data is gathered from the public schools does not violate the First Amendment of the U.S. Constitution. Sheridan Road Baptist Church v. Department of Education, 348 N.W.2d 263 (Mich. App. 1984), aff'd. 396 N.W.2d 373 (Mich. 1986), cert. denied 481 U.S. 1050 (1987).

Length of School Year/Day: Regular attendance at a state approved nonpublic school satisfies the compulsory attendance statute. Mich. Comp. Laws § 380.1561.(3)(a).

Instruction in English: English must be the basic language of instruction in any nonpublic school. This mandate does not prohibit religious instruction in a foreign language, classes to become conversant in a foreign language, or bilingual instruction to assist limited English-speaking students. Mich. Comp. Laws § 380.1151.

Discrimination: Private schools are prohibited from discriminating against an individual based on a handicap that is unrelated to the individual's ability to utilize and benefit from the school or the individual's use of adaptive devices. In addition, private schools are prohibited from utilizing textbooks and learning materials which promote or foster physical or mental stereotypes. Mich. Comp. Laws §§ 37.1401; 37.1402.

Teacher Certification: Under Michigan law, teachers in the regular or elementary grade studies in a private, denominational or parochial school, i.e. a school other than a public school giving instruction

to children below the age of 16 years, in the first 8 grades, must hold a teaching certificate that would qualify them to teach in like grades of the public schools. Mich. Comp. Laws §§ 388.552; 388.553. The Michigan Supreme Court recently ruled this provision unconstitutional when applied to families whose religious convictions prohibit the use of certified instructors. People v. DeJonge, 442 Mich. 266 (Mich. 1993).

Persons without valid teaching certificates who have the requisite college credit may apply to the Michigan Department of Education for a teaching permit for employment in a nonpublic school under Mich. Admin. Code r. 390.1142 (full-year permit); 390.1143 (substitute permit); and 390.1144 (emergency permit).

Curriculum: Attendance at a state approved nonpublic school satisfies the compulsory attendance statute if the school teaches subjects comparable to those taught in the local public schools to children of corresponding age and grade. Mich. Comp. Laws § 380.1561(3)(a).

Nonpublic schools must provide regular instruction in the constitutions of the United States and Michigan, and the history and present form of government of the United States, Michigan, and its political subdivisions. Instruction must begin in 8th or 9th grade depending on the configuration of the school. The successful completion of a 1-semester course in civics is required prior to graduation. Mich. Comp. Laws § 380.1166.

The state board of education is charged with developing a recommended model core curriculum for the local school districts. The curriculum defines the outcomes to be achieved by all K-12 pupils. The Board will make the model curriculum available to nonpublic schools for their consideration in developing their own core curriculum. Mich. Comp. Laws § 380.1278(6).

The State Board of Education is authorized to develop guidelines for expanding curriculum on the culture of ethnic, religious, and racial minority peoples, and the contributions of women. The guidelines must be made available to nonpublic schools. Mich. Comp. Laws § 380.1174.

Special Education: Private, denominational or parochial schools serving students under 16 who are physically or mentally handicapped, or socially maladjusted, must meet the standards prescribed for public schools serving handicapped students. Mich. Comp. Laws § 388.558. Special education personnel, curriculum, eligibility for programs, review procedures, class size, equipment, supplies, housing, adequacy of methods of instruction, length and content of school day must be in accordance with state regulations. Mich. Comp. Laws § 380.1703. The intermediate school board has the duty to investigate contracted special education programs and report failures to comply with contractual and statutory provisions. Mich. Comp. Laws § 380.1711(h).

See also **Public Aid for Private Schools**, Auxiliary Services for Nonpublic School Students.

Health: Children registering for the first time in a school must present a certificate of immunization, a statement of exemption based on a physician's recommendation or a religious conviction, or a request that the local health department administer the necessary immunizations. A school administrator must not admit a student unless he has received a minimum of 1 dose of immunizing agent against each disease specified or unless the child is exempt. Mich. Comp. Laws §§ 333.9208, 9215; 380.1177. Before November 1, of each year, the school administrator must submit to the state and local health departments the immunization status of entering kindergarten and first grade students. Before February 1, the administrator must update the list for incoming students. A child who enters school in September and has not completed the immunizations or filed an exemption by February 1 must be excluded from school attendance. Mich. Comp. Laws § 333.9209. If the immunization level of a nonpublic school falls below the level necessary to guard against the spread of the disease, the school may make the immunization requirements a condition for admission. Mich. Comp. Laws § 333.9212.

Private school students must submit evidence of a preschool vision screening test prior to enrollment unless the parents/guardians submit a statement that the test is contrary to their religious convictions. Mich. Comp. Laws § 380.1177(2).

Michigan's statutory prohibition against smoking in a public place or at a meeting of a public body does not apply to private educational facilities after regularly scheduled school hours. Mich. Comp. Laws § 333.12603.

Safety: Prior to making an offer of employment to a teacher or school administrator, a nonpublic school must request a criminal history check on the applicant from the Department of State Police. Mich. Comp. Laws § 380.1230. Under certain conditions, nonpublic schools may hire the employee as a conditional employee before receiving the criminal history report. 1993 Mi. P.A. 68.

If an employee of a nonpublic school is charged with criminal sexual conduct, the prosecuting attorney will notify the nonpublic school. Mich. Comp. Laws § 722.628a. If a nonpublic school is notified that a teacher or administrator has been convicted of such a crime, the chief administrator must notify the State Board of Education. Mich. Comp. Laws §§ 380.1535a(5); 380.1539a(5).

K-12 nonpublic schools must comply with federal standards requiring implementation of operation and maintenance plans for educational facilities containing asbestos or asbestos-containing materials. 1993 Mi. P.A. 51.

School buses with seating capacity of 12 or more and used by nonpublic schools are subject to annual inspections by the Department of State Police. Mich. Comp. Laws § 257.715a.

Transportation: Under the Michigan State Constitution, the state legislature may provide transportation to and from school for nonpublic school students. Michigan Const. Art. 8, Sec. 2. Mich. Comp. Laws § 380.1217. Local school districts that provide transportation to resident pupils must provide free transportation to nonpublic school students with some limitations. Mich. Comp. Laws § 380.1321, 1322.

The advisory committee to the Department of Education on school bus matters includes a member representing nonpublic schools. Mich. Comp. Laws § 257.1870.

Public Aid for Private Schools/Private School Students: The Michigan Constitution prohibits public appropriations for the benefit of any religious sect or society. Michigan Const. Art. 1, Sec. 4. Mich. Comp. Laws § 380.1217.

The Michigan Constitution prohibits public appropriations directly or indirectly to aid or maintain nonpublic pre-elementary, elementary or secondary schools. Michigan Const. Art. 8, Sec. 2. The Michigan Supreme Court has interpreted this provision to prohibit public payment of lay teachers in nonpublic schools; the provision is not a bar to nonpublic school student participation in federally subsidized programs designed to aid educationally deprived elementary and secondary school children, shared time programs, special education services, and drivers training. Traverse City School District v. Attorney General, 185 N.W. 2d 9 (Mich. 1971).

Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, is exempt from real and personal property taxes. Michigan Const. Art. 9, Sec. 4.

Nonpublic schools are exempt from the Michigan general sales tax for the purchase of tangible personal property including textbooks. Mich. Comp. Laws § 205.54a.

Nonpublic school students may participate in shared time instruction, such as band, art, domestic science, shop, advanced math, and science at the local public schools. Mich. Comp. Laws § 380.1147. Snyder v. Charlotte Public School District, 365 N.W.2d 151 (Mich. 1985).

Examinations or health services provided to elementary and secondary students must be provided on an equal basis to children in public and nonpublic schools. Mich. Comp. Laws § 333.9105.

Local school districts that provide auxiliary services must provide the same services to nonpublic school students on an equal basis. Auxiliary services include: health and nursing services and examinations; street crossing guard services; speech and language services; school social work services; school psychological services; teacher consultant services for handicapped pupils and other ancillary services for the handicapped; remedial reading; and other services determined by the legislature. Mich. Comp. Laws § 380.1296. Transportation to the auxiliary services must also be provided, with some limitations. Mich. Comp. Laws § 380.1296.

Educational media centers operated by intermediate school districts to provide teaching materials and services may serve nonpublic schools. Mich. Comp. Laws § 380.671(2).

Nonpublic school students may participate in the mathematics and science centers funded by the state to provide accelerated and innovative instruction in mathematics, science, and computer science. Mich. Comp. Laws § 388.1699.

Nonpublic schools are reimbursed on an equal basis with public schools for school bus safety education costs incurred for the benefit of school bus drivers. Mich. Comp. Laws § 257.1851.

State grants for vocational-technical education are conditioned on acceptance of nonpublic school pupils. Mich. Comp. Laws § 380.686.

Miscellaneous: The Michigan Constitution recognizes, "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Michigan Const. Art. 8, Sec. 1.

Before the construction or remodeling of any private school building is commenced, the Superintendent of Public Instruction must give written approval. The building specifications must meet certain standards outlined by statute. Mich. Comp. Laws § 388.851.

The Superintendent of Public Instruction, or his agent, has the authority to investigate a nonpublic school at any time regarding the school's sanitary condition, records of enrollment, courses of study, and teacher qualifications. A nonpublic school must admit the Superintendent or his agents to the school. A nonpublic school's refusal is sufficient cause to suspend the operation of the school. Mich. Comp. Laws § 388.555.

Private school teachers, administrators and librarians are exempt from Michigan's criminal code provision prohibiting the dissemination of sexually explicit material to minors. Mich. Comp. Laws § 722.676.

Private, denominational and parochial schools, i.e. schools other than public schools giving instruction to children below the age of 16 years, in the first 8 grades, found in violation of the Nonpublic School Act, Mich. Comp. Laws § 388.551 et seq., are entitled to a hearing on the matter. Mich. Comp. Laws § 388.554.

Administrators of nonpublic schools, grades 9 and higher, may request the clerk of the township/city to appoint one school employee as deputy registrar to assist in voter registration. Mich. Comp. Laws § 168.499b.

Nonpublic schools may establish academic or attendance standards, or both, as eligibility requirements for students enrolled in a driver education course conducted by the school. Mich. Comp. Laws § 380.1302.

MINNESOTA

Minnesota's provision of educational aids to nonpublic school children ensures that every student shares in the equitable distribution of educational benefits and enjoys the freedom of choice in education.
Minn. Stat. Ann. § 123.931.

Registration/Licensing/Accreditation: The State Board of Education or the Nonpublic Education Council may recognize educational accrediting agencies. Minn. Stat. Ann. §§ 120.102. Subd. 3; 121.11. Subd. 7; 123.935. Subd.7.

Recordkeeping/Reports: Nonpublic schools must report the name, age, and address of each child receiving instruction to the local superintendent by October 1 of each school year. In addition, nonaccredited nonpublic schools must also report the name of each instructor with evidence of qualifications; provide an annual instructional calendar showing that instruction will occur at least 170 days; and make available documentation that the requisite subjects are being taught, including class schedules, materials for instruction, and descriptions of methods used to assess student achievement. Minn. Stat. Ann. § 120.102.

A local superintendent or his designee may make an annual on-site visit at a mutually agreed upon time to an unaccredited or an accredited nonpublic school to monitor compliance with the compulsory education law. If there is evidence of noncompliance, the superintendent may make additional visits during the school year. Minn. Stat. Ann. § 120.103 Subd. 1.

Every school must maintain immunization records for students in attendance. The local department of health and board of health must be given access to the files. Within 60 days of the commencement of school, the administrator must file a report with the Commissioner of Education on forms provided, documenting the number of persons in attendance, the number of persons who have not been immunized, and the number of persons exempt from immunization. Minn. Stat. Ann. § 123.70 Subd. 7, 8.

See **Safety, Fire Drill Records**.

Length of School Year/Day: Students are required to receive instruction for at least 170 days each year. (Minnesota law provides for a gradual increase in school days beginning in the 1995-1996 school year from 172 days to 190 days in the 2004-2005 school year. Minn. Stat. Ann. § 120.101 Subd. 5b.

Instruction in English: Instruction, textbooks, and materials must be offered in the English language. Minn. Stat. Ann. §§ 120.101 Subd. 6. Another language may be used for students with limited English proficiency. Minn. Stat. Ann. § 126.262 et seq.

Discrimination: Minnesota defines nonpublic school as any school, church or religious organization, or home school where a student can fulfill compulsory education requirements, that is located in the state, and that meets the requirements of Title VI of the Civil Rights Act of 1964. Minn. Stat. Ann. § 123.932 Subd. 3.

Educational institutions are prohibited from discriminating on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability or failing to ensure physical and program access for disabled persons. Religious corporations, associations, and societies are exempt with respect to qualifications based on religion or sexual orientation, when these are bona fide occupational qualifications. Religious or denominational institutions may limit or give preference to applicants of the same religion. Single-sex private schools are also permitted. Minn. Stat. Ann. §§ 363.02 Subd. 1, 3; 363.03 Subd. 5.

Teacher Certification: Private school instructors must meet one of the following requirements: 1) hold a valid Minnesota teaching license in the field and for the grade level taught; 2) be directly supervised by a person holding a valid Minnesota teaching license; 3) successfully complete a teacher competency examination; 4) provide instruction in a school that is accredited by a state recognized accrediting agency; or, 5) hold a baccalaureate degree. Minn. Stat. Ann. § 120.101 Subd. 7.

Curriculum: Minnesota's compulsory education law requires instruction in 1) basic communication skills including reading and writing, literature, and fine arts; 2) mathematics and science; 3) social studies including history, geography, and government; and 4) health and physical education. Minn. Stat. Ann. § 120.101 Subd. 6.

Students attending nonaccredited nonpublic schools must be assessed annually using a nationally norm-referenced standardized achievement examination. Students attending nonpublic schools accredited by a state recognized accrediting agency are exempt from the testing requirement. Minn. Stat. Ann. § 120.101 Subd.8(a), (d).

Special Education: Disabled students attending nonpublic schools that fulfill the compulsory instruction requirements and comply with Title VI of the Civil Rights Act of 1964 may not be denied special instruction and services on a shared time basis through the public school. Transportation to and from the nonpublic school may be provided by the school district. Minn. Stat. Ann. § 120.17 Subd. 9.

Health: Immunizations are mandatory for students attending any elementary or secondary school in Minnesota unless contraindicated for medical reasons or contrary to conscientiously held beliefs of the parent/guardian or emancipated student. Minn. Stat. Ann. § 123.70 Subd. 1, 3.

The Department of Education may assist nonpublic schools participating in a local school district's AIDS prevention or AIDS risk reduction program at a neutral site. Minn. Stat. Ann. § 121.203 Subd. 1.

Safety: Nonpublic schools are required to have at least 9 fire drills each school year and to keep all doors and exits unlocked from the inside during school hours. Records of drills must be posted for review by the state fire marshall. Minn. Stat. Ann. § 299F.30. All schools must be operated in compliance with the uniform fire code. Minn. Stat. Ann. § 299F.391.

Nonpublic schools may develop a voluntary fingerprinting program for pupils in conjunction with law enforcement agencies having jurisdiction where the nonpublic school is located. Minn. Stat. Ann. § 123.75 Subd. 2.

Nonpublic schools may participate in school district chemical abuse programs. Teachers at participating schools have a duty to report incidences of chemical abuse on school property or at school-related activities. Minn. Stat. Ann. § 126.034; 126.037.

Local authorities may establish the speed limit within a school zone of a nonpublic school based on an engineering and traffic investigation. Minn. Stat. Ann. § 169.14.

The Commissioner of Public Safety distributes a missing children's bulletin to nonpublic schools on a quarterly basis. Minn. Stat. Ann. § 299C.54.

An assault against a private school teacher performing official duties that results in demonstrable bodily harm is a gross misdemeanor. Minn. Stat. Ann. § 609.2231 Subd. 5.

Nonpublic school instructional or supervisory staff may use reasonable force to restrain a student from self-injury or injury to another or to property. Minn. Stat. Ann. § 609.379.

Transportation: A school district eligible to receive state aid for transportation must provide equal transportation within the district for all school children to any school when transportation is necessary because of distance or traffic condition. Transportation may be provided under limited circumstances to out-of-district schools. Minn. Stat. Ann. § 123.78. Transportation is also authorized for nonpublic school students receiving pupil support services at public schools or neutral sites. Minn. Stat. Ann. § 124.223. Subd. 10.

Public Aid for Private Schools/Private School Students: Minnesota provides educational aids, such as textbooks, standardized tests and pupil support services for nonpublic school children. Textbooks include only secular, neutral and nonideological textbooks available to public school students.
Pupil support services include health, guidance and counseling services. Health services may be provided on the nonpublic school grounds; guidance and counseling services may be provided only at a public school or neutral site. Minn. Stat. 123.931 et seq. Textbooks and instructional materials are loaned directly to pupils upon request of a parent on designated forms. Minn. Stat. 123. 947. If the state appropriation for services is not sufficient, the Department of Education must notify the school districts of the need to prorate the appropriation. Minn. Stat. § 123.9362.

School districts may provide nonpublic school students of limited English proficiency opportunity to participate in specially designed programs for such students attending public school. Minn. Stat. § 124.273.

Nonpublic school students may participate in the state's milk program which ensures all students have access to milk on a daily basis. Minn. Stat. Ann. § 124.648.

If a nonpublic school participates in the school lunch aid program or school breakfast program, the school must make lactose reduced milk available to students. Minn. Stat. Ann. § 124.6462.

Nonprofit, nonpublic, nonsectarian schools may contract with local school districts to provide educational services to at-risk children under the state's High School Graduation Incentives Program. Minn. Stat. Ann. § 126.22 Subd. 3.

Minnesota may pay all or part of the fee for advanced placement examinations for needy students attending nonpublic schools. Minn. Stat. Ann. § 126.239.

Nonpublic schools may contract with local school districts to provide American Indian language and culture education programs to American Indian children. Minn. Stat. Ann. § 126.48.

The Department of Education may provide assistance to nonpublic schools participating in a local school district's violence prevention education program at neutral sites. Minn. Stat. Ann. § 126.77.

The gross receipts from nonpublic school textbooks are exempt from Minnesota general sales tax. Minn. Stat. Ann. § 297A.25.

Miscellaneous: Private schools teaching high school courses may request before January 1 of each year to receive uniform forms for state examinations in each high school subject during the month of May. Minn. Stat. Ann. § 121.11 Subd. 9.

The Minnesota Academic Excellence Foundation was established to promote academic excellence in Minnesota public and nonpublic schools. Through the foundation, students and teachers are recognized for academic excellence and an academic league provides competition for public and nonpublic students in elementary and secondary schools. Minn. Stat. Ann. § 121.612 Subd. 4.

Nonpublic school administrative units are eligible for nonvoting associate memberships in the Educational Cooperative Service Units. The ECSU performs educational planning on a regional basis and provides educational programs and services. Minn. Stat. Ann. § 123.58 Subd. 4.

Nonpublic school administrators are responsible for issuing age certificates for students in attendance who wish to obtain employment. Minn. Stat. Ann. § 181A.06.

Nonpublic schools must ensure that the principal, teachers or other professionals discuss and distribute the following statement with the parent/guardian of every incoming student: "The state of Minnesota

requires that every child entering kindergarten this school year must graduate from high school or remain in high school or in an alternative program until age 18. Only those who have been accepted in the military or an institution of higher learning can leave school before they are 18 years old." Minn. Stat. Ann. § 120.105.

MISSISSIPPI

Mississippi law clarifies that compulsory school attendance does not give a state agency the right or authority to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any private or parochial school. Miss. Code Ann. § 37-13-91(10).

Registration/Licensing/Accreditation: Nonpublic schools may request that the State Board of Education approve the institution. The State Board may not adopt more stringent standards for approval of nonpublic schools than the accreditation standards applied to public schools. Miss. Code Ann. § 37-17-7. Approval is mandatory for nonpublic schools receiving public funds. Standards for approval are set out in the policy document, "Approval Requirements of the State Board of Education for Nonpublic Schools," dated February 19, 1993.

Nonpublic schools may be accredited by independent nonpublic school accrediting agencies. Miss. Code Ann. § 37-17-9.

Recordkeeping/Reports: The parent/guardians of a compulsory-school-age child enrolled in and pursuing a course of special education, remedial education, or education for handicapped or physically or mentally disadvantaged children at a nonpublic school, or the nonpublic school official, must complete a certificate of enrollment for each such student. The certificate, provided by the State Board of Education, asks the following basic information: 1) name, address and date of birth of the student; 2) name and address of the parent/guardian; 3) a simple description of the type of education provided; 4) name and address of the nonpublic school; and 5) parent/guardian and school official signatures and date signed. The certificate must be returned to the school attendance officer for the youth or family court where the child resides on or before September 15 of each year. Miss. Code Ann. § 37-13-91(3). (According to the Mississippi Department of Education, the certificate provision does not generally affect private/parochial schools.)

Private, parochial or denominational schools accepting free school textbooks on behalf of their students must file annual reports as required by the State Board of Education. Miss. Code Ann. § 37-43-51.

Length of School Year/Day: A nonpublic school term is the number of days that each school requires for promotion from grade to grade. Miss. Code Ann. § 37-13-91(2)(e).

Teacher Certification: Teacher certification is required for those schools that choose to be approved by the State Board of Education. "Approval Requirements of the State Board of Education for Nonpublic Schools," dated February 19, 1993.

Special Education: Mississippi provides financial assistance to exceptional children attending accredited private or parochial schools. Tuition reimbursement for applicants choosing to attend private/parochial schools is 100% for the first $600. If the local school district Individual Education Program Committee determines that the district cannot provide a free appropriate public education for a handicapped child, the state will reimburse the district for placement in an accredited private or parochial school up to a maximum of $3,000. Miss. Code Ann. § 37-23-61 et seq.

Health: Church-related and private schools are exempt from Mississippi's State Board of Health standards for preparation of food. Miss. Code Ann. § 41-3-15.

Safety: The circuit court clerk will notify the State Department of Education of any certificated personnel employed by a private elementary or secondary school that is convicted of a felony or of a sex offense. Miss. Code Ann. § 37-3-51.

The president or chancellor of a private school will be notified by the local law enforcement office if any enrolled student is arrested and convicted of a misdemeanor. Miss. Code Ann. § 37-11-29.

The sale or distribution of a controlled substance within 1000 feet of the real property of a private school or 1500 feet of a private school building may be punished by an enhanced penalty, twice the authorized imprisonment or fine or both, for a first offense and three times the penalty for a subsequent offense. Miss. Code Ann. § 41-29-142.

Public Aid for Private Schools/Private School Students: Mississippi's Constitution prohibits the appropriation of any state education funds for the support of sectarian schools or private schools. Miss. Const. Art. 8, Sec. 208.

Mississippi law provides free textbooks on loan to pupils in all elementary and secondary schools in the state. Miss. Code Ann. § 37-43-1 et seq. The loan of textbooks to qualified private schools does not violate Mississippi's constitutional prohibition against public support of sectarian schools or the control of educational funds by religious sects. Chance v. Mississippi State Textbook Rating & Purchasing Bd., 200 So. 706 (1941).

The income from transporting grade school students under contract with nonprofit private schools is exempt from Mississippi sales tax. Miss. Code Ann. § 27-65-107.

Agricultural high schools may be leased by private schools if there are no funds available to run the institution. Miss. Code Ann. § 37-27-31.

Miscellaneous: The Secretary of State will furnish without charge applications for voter registration by mail to private schools upon request. Miss. Code Ann. § 23-15-47(4)a).

MISSOURI

Missouri provides no state aid for private schools or private school students.

Recordkeeping/Reports: Each school superintendent of a private, parochial, or parish school must prepare a record showing the immunization status of every child enrolled. The superintendent must report the name of any parent or guardian who neglects or refuses to permit a nonexempt child to be immunized. Mo. Rev. Stat. § 167.181(4). Student immunization records may be disclosed without a parent/guardian's written authorization to individuals with a need to know as specified by statute, e.g. employees of public agencies and departments. Anyone releasing the information for any other purpose would be liable for damages. Mo. Rev. Stat. § 167.183.

Teacher Certification: The State Board of Education may refuse to issue or revoke a nonpublic school teacher's certificate upon conviction of a felony or crime involving moral turpitude. Mo. Rev. Stat. § 168.071(2).

Curriculum: Private schools, except privately operated trade schools, must provide courses of instruction in the Constitution of the United States and of Missouri, American history and institutions. Instruction must begin not later than 7th grade and continue in high school to the extent determined by the Commissioner of Education. No pupil can receive a certificate of graduation from any private school, except private trade schools, without satisfactorily passing an examination on these subjects. The Commissioner will prescribe a list of suitable texts. These provisions do not apply to foreign exchange students. Mo. Rev. Stat. § 170.011.

Special Education: The Missouri Department of Education may assign severely handicapped children to a private agency when it is in the best interests of the child. Mo. Rev. Stat. § 162.735. Special educational services may be offered during the regular school day to children who attend private, parochial, and parish schools. Transportation is not required for these services. Mo. Rev. Stat. § 162.996.

Health: Students attending private, parochial, or parish schools must comply with the Department of Health regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps and diphtheria, tetanus and pertussis. A student may not attend school unless he has been immunized, presents evidence of having begun the process, or is exempt. Students are exempt from immunization if a parent/guardian presents to the school administrator a written objection based on religious beliefs or a written statement from a licensed physician that the immunizations are medically contraindicated. Mo. Rev. Stat. § 167.181.

Safety: Private elementary and secondary schools may obtain information from Missouri's central registry of child abuse and neglect reports for information pertaining to employees and volunteers or prospective employees and volunteers who provide services or care for children. Mo. Rev. Stat. § 210.150(6).

Students, teachers and visitors are required to wear industrial quality eye protective devices for courses involving exposure to certain hazardous materials. Mo. Rev. Stat. § 170.005.

Private and parochial schools were required to examine their structures for friable asbestos and report the results to the Department of Health by March 1, 1987. Schools that have not completed their removal plan must reevaluate the material biennially and file a report with the Department. Schools that identified nonfriable asbestos must reevaluate the material every 3 years, file a report with the Department and make their findings available to its employees and the public. Mo. Rev. Stat. § 701.122. Removal of asbestos must comply with state and federal guidelines. The Department of Natural Resources will provide private and parochial schools with technical assistance. Mo. Rev. Stat. § 701.127.

Distribution of a controlled substance on or within 1000 feet of a private elementary or secondary school in Missouri is a felony. Mo. Rev. Stat. § 195.214.

Public Aid for Private Schools/Private School Students: The Missouri Constitution provides "No person can be compelled to . . . support any . . . teacher of any sect." Missouri Const. Art. I § 6. The public school fund may not be used for any other purpose than establishing and maintaining free public schools. The Constitution further prohibits public aid to any private school controlled by any religious creed, church, or sectarian denomination. Mo. Rev. Stat. § Missouri Const. Art. IX § 8.

The provision of textbooks to teachers in private schools violates the Missouri Constitution. Paster v. Ptas, 512 S.W.2d 97 (1974), cert. denied, Reynolds v. Paster, 419 U.S. 1111, (1975).

The provision of transportation of parochial school students by public school bus which also transported public school children violates the Missouri constitution. McVey v. Hawkins, 258 S.W.2d 927 (1953).

Missouri's Constitution notwithstanding, educationally deprived children attending nonpublic schools in Missouri are entitled to receive federal funds for special services comparable in quality, scope and opportunity to children in public schools. Barrera v. Wheeler, 475 F.2d 1388 (1973).

Missouri provides special services to children enrolled in nonpublic schools identified as having a high risk of dropping out of school. Services may include skills assessment, tutoring, academic and personal counseling, family counseling, home visits and staff development. Services must be provided at sites other than sectarian nonpublic schools. Mo. Rev. Stat. § 167.280.

Miscellaneous: Students in Missouri have the opportunity to enroll at public, private, parochial, parish, home schools or a combination of the above. Mo. Rev. Stat. § 167.031.

The chief school officer of a nonpublic school has a duty to provide students information on available financial assistance for post-secondary education. The Commissioner of Higher Education will provide nonpublic schools and their pupils with relevant information. Mo. Rev. Stat. § 167.278.

The construction of private schools is not permitted in an airport zone. Mo. Rev. Stat. § 305.405(3).

By statute, the 11-member Coordinating Council for Health Education of Missouri's Children and Adolescents includes one teacher in the public or private school system working in the field of health education. Mo. Rev. Stat. § (4)(c).

MONTANA

Montana regulates nonpublic schools in one provision governing attendance, length of school year, curriculum, and building requirements. Mont Code Ann. § 20-5-109.

Registration/Licensing/Accreditation: Nonpublic schools may be accredited by the Superintendent of Public Instruction in the same manner as public schools upon request. Mont. Code Ann. § 20-7-102.

Recordkeeping/Reports: Attendance at a nonpublic school exempts a student from public education if the nonpublic school maintains records on pupil attendance and immunization and makes the records available to the county superintendent on request. Mont. Code Ann. § 20-5-109(1).

Length of School Year/Day: Attendance at a nonpublic school exempts a student from public education if the nonpublic school provides 180 days of instruction or the equivalent. Mont. Code Ann. § 20-5-109(2).

Curriculum: Attendance at a nonpublic school exempts a student from public education if the nonpublic school provides an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program. Mont. Code Ann. § 20-5-109(4).

Discrimination: Montana prohibits discrimination by a private elementary or secondary school based on race, creed, religion, sex, marital status, color, age, physical disability or national origin or because of mental disability. Mont. Code Ann. § 49-2-101(6); 49-2-307.

Special Education: To the maximum extent possible, children with disabilities in private institutions must be educated with children who do not have disabilities. Mont. Code Ann. § 20-7-411.

Health: The governing authority of any school may not allow any person to attend unless the person has been immunized, qualifies for conditional attendance because he has begun the immunization process, or files an exemption. If a student transfers to another school, the sending school must forward the original immunization records to the new school. Mont. Code Ann. § 20-5-403. Students are exempt from immunization requirements if they file a notarized affidavit claiming a religious exemption or a written statement by a physician that immunization is unsafe on medical grounds. The statements must be maintained in the student's immunization records. Mont. Code Ann. § 20-5-405.

The Department of Health and Environmental Sciences is responsible for making sanitary inspections of schoolhouses. Mont. Code Ann. § 50-1-203.

Safety: Attendance at a nonpublic school exempts a student from public education if the nonpublic school is housed in a building that complies with applicable local health and safety regulations. Mont. Code Ann. § 20-5-109(3).

Private school buildings used for housing or instructing students may not be built, enlarged, or remodeled until the plans have been approved by the Department of Commerce or a municipality or county with a building code. Mont. Code Ann. § 20-6-622.

Schools must conduct at least 8 fire exit drills a year. In climates where weather is severe in winter months, drills should be conducted on a weekly basis at the beginning of the school term. Drills must be executed at different hours of the day. School authorities must immediately call the local fire department if an actual fire exists. Mont. Code Ann. §§ 20-1-402; 20-1-403; 20-1-405.

The sale of dangerous drugs on or within 1,000 feet of a private elementary or secondary school is a criminal offense under Montana's criminal code. Mont. Code Ann. § 45-9-109.

Private schools may organize school safety patrols to direct pupils as to when and where to cross highways. The school safety patrol is comprised of students. Parent/guardians must give written consent for participation. No liability attaches to the student because of an injury sustained by a pupil. Mont. Code Ann. § 20-1-408.

Transportation: Nonpublic school students may ride a public school bus if there is seating capacity available and the child secures a permit from the local school district. The school district may charge the child his proportionate share of the cost of operating the school bus. Mont. Code Ann. § 20-10-123.

School children traveling to and from parochial schools may receive free transportation or reduced rates from common carriers. Mont. Code Ann. § 69-11-208(1)(o).

Special education students are eligible for transportation when enrolled under an approved tuition agreement in a private institution. Mont. Code Ann. § 20-7-441(4).

Public Aid for Private Schools/Private School Students: The Montana Constitution prohibits public aid to schools controlled in whole or in part by any church, sect, or denomination. This provision does not apply to federal sources of income for nonpublic education. Mont. Const., Art. X, § 6. In addition, the constitution prohibits appropriations for educational purposes to private associations or corporations not under control of the state. Mont. Const., Art. V, § 11.

The Montana Supreme Court has interpreted the state constitution to prohibit school boards from employing teachers to teach secular subjects in parochial schools. State ex rel. Chambers v. School District, 472 P.2d 1013 (1970).

The Montana Constitution permits the legislature to exempt property used exclusively for educational purposes from property taxes. Mont. Const., Art. 8, § 5(b).

Tuition for nonprofit private educational institutions is exempt from Montana sales tax and use tax. 1993 Mt. Ch. 544 § 31.

Miscellaneous: The Montana Supreme Court has dismissed a wrongful discharge complaint that alleged a religious school breached an implied covenant of good faith and fair dealing by firing a teacher without notice or a hearing because the tort claim would impermissibly interfere with the free exercise of religion. Miller v. Catholic Diocese of Great Falls, 728 P.2d 794 (1986).

NEBRASKA

Nebraska law provides for accredited private schools, approved private schools, and schools that elect to comply with limited state regulation. Neb. Rev. Stat. § 79-328(5)(c).

Registration/Licensing/Accreditation: Private, denominational and parochial schools must comply with accreditation standards or approval requirements established by the State Board of Education, or parents may elect to comply with state requirements, Neb. Rev. Stat. § 79-1701(2)-(4), when state accreditation and approval requirements violate sincerely held religious beliefs of parents/guardians. Neb. Rev. Stat. § 79-328(5)(c).

When parents elect to enroll their children in schools that do not meet state accreditation or approval requirements, parent/guardians must sign a statement that a) the accreditation and approval requirements violate sincerely held religious beliefs; b) an authorized representative of parent/guardians will submit annually to the Commissioner of Education information to show the school meets minimum requirements relating to health, fire, and safety standards; report attendance records; maintain a sequential program of instruction in language arts, mathematics, science, social studies, and health; and that parent/guardians are satisfied that individuals monitoring instruction are qualified and have demonstrated an alternative competency. The State Board may require visitation of these schools and regular achievement testing. Nothing in these requirements shall be construed to interfere with religious instruction. Schools that are not inspected by an area or diocesan representative holding a Nebraska Administrative and Supervisory Certificate or a Nebraska Professional Administrative and Supervisory Certificate must be inspected twice a year by local superintendents. Neb. Rev. Stat. § 79-1701(2); 79-1703.

Recordkeeping/Reports: Private schools must notify in writing persons enrolling new students that within 30 days they must provide a certified copy of the student's birth certificate or other reliable proof of the student's identity and age with an affidavit explaining why the birth certificate is inaccessible. Neb. Rev. Stat. § 43-2007(2).

On the third day of classes, private, denominational, and parochial schools in a Class I district must forward to the County Superintendent the names, ages, grades and addresses of every student enrolled. In all other districts, the information must be filed with the district Superintendent. Neb. Rev. Stat. § 79-207.

Private, denominational, and parochial school teachers must keep a record of the name, age, and address of each child enrolled, the number and county of the school district, the number of days present and absent, and the cause of absence. Neb. Rev. Stat. § 79-207.

Chief executive officers of nonpublic schools serving grades 7-12 must report the number of students who dropped out, were suspended, or excluded from school to the Commissioner of Education annually. Neb. Rev. Stat. § 79-449.01.

Student records must be provided at no charge to any public or private school, upon request, when the student transfers. Neb. Rev. Stat. § 79-4, 157.01.

When notified that a student currently or previously enrolled is a missing person, private schools must flag the student's records and report immediately any request for the records or knowledge of the person's whereabouts to the local law enforcement agency. Schools must not forward a copy of the student's flagged record to a requesting school. Neb. Rev. Stat. § 43-2007.

Length of School Year/Day: Under Nebraska's compulsory education statute, students must attend not less than 1,032 instruction hours for elementary school and 1,080 instructional hours for high school. Neb. Rev. Stat. § 79-201. The state may impose reasonable regulations for the control and duration of basic education based on its responsibility for the education of its citizens. Douglas v. Faith Baptist Church, 301 N.W.2d 571 (1981).

Instruction in English: Instruction must be given in the English language in private, denominational and parochial schools. Neb. Const. Art. I, Sec. 27.

Teacher Certification: Private, denominational, and parochial school teachers in accredited and approved schools must hold a valid Nebraska certificate or permit issued by the Commissioner of Education. Neb. Rev. Stat. § 79-1233.

Employees of schools electing not to be accredited or approved are not required to meet certification requirement but must take appropriate subject matter components of a nationally recognized teacher competency examination or offer evidence of competence through informal methods of evaluation developed by the State Board of Education. Neb. Rev. Stat. § 79-1701(3).

Curriculum: Private, denominational, and parochial schools, K-5, must devote at least one hour per week for stories of American history and American heroes, singing patriotic songs and memorization of the Star Spangled Banner and America and the development of reverence for the flag and proper conduct in its presentation. In 2 grades from grades 5-8, private, denominational, and parochial schools must devote at least 3 periods per week for American history from approved textbooks, taught to make the course interesting and attractive, and to develop a love of country. In at least 2 grades of every high school, 3 periods per week must be devoted to civics, including the constitutions of the United States and Nebraska, the benefits and advantages of our form of government, the dangers and fallacies of Nazism, communism, and similar ideologies, and the duties of citizenship. Appropriate patriotic exercises must be held for Lincoln's birthday, Washington's birthday, Flag Day, Memorial Day, and Veteran's Day. Nebraska requires that all of these history courses stress contributions of all ethnic groups in the growth of America, art music, education, medicine, literature, science, politics, government and war service. Neb. Rev. Stat. § 79-213.

Private schools must provide regular periods of instruction on fire dangers and fire prevention. Neb. Rev. Stat. § 79-4, 123.

Private schools may request materials for a comprehensive health education course prepared by the Commissioner of Education. Neb. Rev. Stat. § 79-4, 140.18.

Private, parochial and denominational school teachers must give special emphasis in their instruction to common honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States, and the Constitution of Nebraska, respect for parents and the home, the dignity and necessity of honest labor, and other lessons which promote an upright and desirable citizenry. Neb. Rev. Stat. § 79-214.

Special Education: The Nebraska legislature may permit state and political subdivisions to contract with nonsectarian institutions for the education of disabled students. Neb. Const. Art. VII, Sec. 11.

The State Department of Education approves all instructional programs for visually disabled students, including nonpublic schools. Neb. Rev. Stat. § 79-2011.

The State Department of Education maintains a search and reporting system to identify and provide educational services for disabled children. The system is operated in consultation with nonpublic schools. Neb. Rev. Stat. § 79-3327.

See **Public Aid for Private Schools/Private School Students**.

Health: Private schools may request assistance, including vaccines, serums, services and guidance, from the Department of Health in establishing immunization clinics. Neb. Rev. Stat. § 79-444.02.

Safety: Private, denominational and parochial schools must provide monthly fire drills. Neb. Rev. Stat. § 79-4, 123. Private schools must conduct regular fire drills in accordance with adopted regulations and keep all doors and exits unlocked during school hours. Neb. Rev. Stat. § 81-527. The second Friday of May is designated as State Fire Day to be observed by private and parochial schools to create awareness of fire damage. Neb. Rev. Stat. § 79-4, 122.

Transportation: School boards providing transportation for children attending public schools must also provide transportation on school bus routes without cost for children attending nonprofit private schools approved for legal operation under Neb. Rev. Stat. § 79-328(5)(c). (See **Registration**.) Nonprofit private schools must certify to the public school district the names, addresses, days of school attendance and other useful information, on forms provided by the State Department of Education. Neb. Rev. Stat. § 79-487. This provision does not violate the constitution of Nebraska. State ex rel. Bouc v. School Dist. of City of Lincoln, 320 N.W.2d 472 (1982).

Companies providing bus service to private, denominational, or parochial schools must give instruction in safe riding practices and emergency evacuation drills at least twice during each school year. Neb. Rev. Stat. § 79-488.07.

School bus drivers must furnish to the governing authority of a nonpublic school a driving permit issued by the Department of Motor Vehicles before contracting to provide school bus services. Neb. Rev. Stat. § 79-488.06.

Nonpublic schools must have transportation vehicles inspected by a motor vehicle mechanic before school opens in the fall and every 80 days during the school year. Neb. Rev. Stat. § 79-488.

Public Aid for Private Schools/Private School Students: The Nebraska Constitution prohibits state appropriations for schools not owned or exclusively controlled by the state or a political subdivision. Contracts with nonsectarian schools for the education of disabled students are an exception. The Constitution specifically allows for the distribution of federal funds in accordance with federal grants. Neb. Const. Art. VII, Sec. 11.

Boards of Education have a duty to loan textbooks, upon request, to children attending K-12 private schools approved for legal operation under Neb. Rev. Stat. § 79-328(5)(c) (see **Registration**), when funds are specifically appropriated by the state legislature. The textbooks must be designated for use in the public schools and loaned to students free of charge. Neb. Rev. Stat. § 79-4, 118. The loan of textbooks under this provision is permissible under the Constitutions of Nebraska and the United States. Cunningham v. Lutjeharms, 437 N.W.2d 806 (1989).

Meals and food products sold for human consumption by private schools, student organizations, and parent-teacher associations are exempt from sales and use tax, including concession sales by elementary and secondary schools to the general public. Neb. Rev. Stat. § 77-2704.10.

NEVADA

Nevada ensures that the standardization of private schools does not unreasonably hinder legitimate educational innovation. Nev. Rev. Stat. § 394.221.

Registration/Licensing/Accreditation: Compulsory attendance at a public school is excused when written evidence is presented to the local school district board of trustees that the child is receiving equivalent instruction, in kind and amount, in some other school. Nev. Rev. Stat. § 392.070.

Under the Private Elementary and Secondary Education Authorization Act, private schools must be licensed according to minimum criteria established by the Board of Education. The criteria must be sufficient to effectuate the purpose of the Act but not unreasonably hinder legitimate educational innovation. The minimum standards ensure that the quality and content of instruction achieves the stated objective of the program; the school has adequate space, equipment, instructional materials and personnel to provide good quality education; the school complies with health and safety regulations; and, the institution is financially sound and capable of fulfilling its commitments. (See § 394.241 for itemized list.) Accreditation by national or regional accrediting agencies recognized by the United States Office of Education may be accepted as evidence of compliance with the minimum standards. License application fees are $300; renewal fees are $250. Schools applying for a license must file a surety bond for not less than $5,000 or a certificate of deposit for the same amount to provide indemnification for anyone suffering damage from the school resulting from a violation of the Act. Documents of indebtedness for tuition payments are governed by state statute. Authorization may be given for a term of not more than four years. The Superintendent of Public Instruction maintains a list of private elementary and secondary schools authorized to operate in the state and investigates complaints brought against the schools. Nev. Rev. Stat. § 394.221; 394.231; 394.241; 394.271; 394.331; 394.351; 394.590.

Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, may claim an exemption to the provisions of the Private Elementary and Secondary Education Authorization Act if the instruction is not operated for profit. Institutions claiming an exemption must file with the Board of Education the exemption on forms provided by the Department of Education or in a letter containing the required information. The exemption expires 2 years after the last day of the calendar month in which the filing is made. Nev. Rev. Stat. § 394.211.

The application process for a license is governed by state statute. Nev. Rev. Stat. § 394.251. Agents representing private schools are also governed by statute and must obtain a permit. Nev. Rev. Stat. § 394.261.

The Superintendent of Public Instruction inspects elementary and secondary schools at least every 2 years to ensure the facilities comply with health and safety regulations, maintain appropriate personnel records, and have adequate insurance coverage. Nev. Rev. Stat. § 394.245.

Recordkeeping/Reports: Private schools are required to furnish periodic reports of enrollment, attendance, and general progress within each school to the Superintendent of Public Instruction. Nev. Rev. Stat. § 394.130.

Private elementary and secondary schools may not permanently admit a student until the parent/guardian furnishes a birth certificate or other proof of the child's identity, and if applicable, the students prior school records. Children must be admitted to a school under the name appearing in the identifying documents, unless the parent/guardian furnishes a court order to the contrary or the child is in the custody of the welfare division. If the parent/guardian fails to furnish identifying documents within 30 days of conditional admission, the principal must notify the local law enforcement agency and request a determination whether the child has been reported missing. Nev. Rev. Stat. § 394.145.

Before December 31 of each year, private schools must report on a form provided the number of students fully immunized to the Health Division of the Department of Human Resources. Nev. Rev. Stat. § 394.192(5).

Private elementary and secondary educational institutions discontinuing operations must file original or true copies of all student academic records with the Superintendent of Public Instruction. Nev. Rev. Stat. § 394.341

Curriculum: Private schools must provide instruction for private school students in the subjects required by law for public school students, either under the prescribed regular state courses or through courses prepared by private schools and approved by the state board of education. Nothing in this section may be construed to interfere with the right of private schools to give religious instruction. Nev. Rev. Stat. § 394.130.

All private schools must provide instruction in the Constitution of the United States and the State of Nevada, including the origin and history, and the study of and devotion to American institutions and ideals. At least one year of instruction is required at the elementary level and high school level. Private school students may not receive a certificate or diploma without having passed an examination on the constitutions. Nev. Rev. Stat. § 394.150. Teachers responsible for giving instruction must show satisfactory evidence of the necessary knowledge of the constitutions by examination or credentials. Nev. Rev. Stat. § 394.160.

Health: Students may not enroll in a private school without a certificate of immunization unless excused based on a religious belief or medical condition. Students may conditionally enter a private school if a parent/guardian submits a certificate that the child is currently receiving the required immunizations. Immunizations must be completed within 90 days or the child must be excluded from school until the immunization requirement has been met. Nev. Rev. Stat. § 394.192(1)-(4); 394.193. If a dangerous contagious disease exists in a private school, a child excused from the immunization requirements must be immunized or excluded from school and the local health officer notified. Nev. Rev. Stat. § 394.198.

Safety: Private schools must conduct fire drills at least twice each month during the school year to instruct students in proper procedures. Not more than three drills may include instruction in the procedures in the event of a chemical explosion, related emergencies and other natural disasters. The state fire marshal prescribes regulations governing fire drills. Copies of this section shall be kept posted in every classroom of every private school. Nev. Rev. Stat. § 394.170.

Private elementary and secondary schools may establish missing children programs. The Attorney General and State Board of Education will provide private schools materials to assist. Nev. Rev. Stat. § 394.135.

Transportation: School districts with less than 100,000 in population who provide transportation for public school students may also provide transportation for resident students attending nonprofit private schools on established public school bus routes. Nev. Rev. Stat. § 392.300.

Private schools are subject to the Nevada laws regulating the condition, equipment and identification of vehicles used for pupil transportation. All vehicles are subject to inspection at all times. Nev. Rev. Stat. § 394.190.

Public Aid for Private Schools/Private School Students: Public school funds may not be used for any other purpose nor set apart for the use or benefit of sectarian or secular societies or associations. Nev. Rev. Stat. § 387.045.

Nonprofit private schools, including adjacent lots, furniture and equipment, are exempt from property tax. Nev. Rev. Stat. § 361.105.

Meals and food products for human consumption served by private schools, student organizations, and parent-teacher associations to students and teachers are exempt from sales tax. Nev. Rev. Stat. § 372.285.

Meals and food products for human consumption served by private schools, student organizations, and parent-teacher associations to students and teachers are exempt from the local school support tax. Nev. Rev. Stat. § 372.290.

Miscellaneous: Communications concerning possession or use of drugs or alcoholic beverages by a pupil to a licensed teacher employed by a private school and counseling the student are privileged communications and the teacher must not be examined as a witness concerning the communication in a civil or criminal action without the consent of the pupil. Nev. Rev. Stat. § 49.291. Communications during counseling with a certificated counselor and a private school student are privileged communications, except conversations relating to criminal offenses where the punishment is death or life imprisonment. Nev. Rev. Stat. § 49.290.

Private and parochial schools may elect to join the Association for Interscholastic Activities, subject to the same requirements and the same charges as public schools. Nev. Rev. Stat. § 386.450; 386.460.

NEW HAMPSHIRE

The New Hampshire Constitution ensures that religious societies have the right to elect their own teachers.

Registration/Licensing/Accreditation: Attendance at an approved private school fulfills the compulsory attendance requirements. N.H. Rev. Stat. Ann § 193:1.

The approval of private schools as a substitute for public school attendance is a reasonable exercise of the state's power whereby it can be known by reasonable means that the required teaching is given. State v. Hoyt, 146 A. 170 (1929). N.H. Code Admin. R. Ed. 400, 406.6.

Recordkeeping/Reports: Private schools are furnished copies of the school register and must make an annual statistical report to the Department of Education by September 1. N.H. Rev. Stat. Ann § 194:31.

All elementary and secondary educational institutions, upon request of a private school or a school district as authorized by a parent, student, or former student, must furnish a student record to any elementary or secondary educational institution. There shall be no charge for any record furnished pursuant to this section. N.H. Rev. Stat. Ann § 194:31-a.

Length of School Year/Day: To comply with the compulsory attendance requirement, attendance at an approved private school must be for the same time public schools are in session. N.H. Rev. Stat. Ann § 193:1.

Instruction in English: The English language must be used exclusively in private schools for instruction and general administration. Bilingual education programs are permitted with the approval of the State Board of Education and the local school district. N.H. Rev. Stat. Ann § 189:19. Devotional exercises in private schools may be conducted in a language other than English. N.H. Rev. Stat. Ann § 189:21.

Curriculum: Private schools must provide courses in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government. The instruction must begin no later than eighth grade and continue in high school as an identifiable component of a year's course in the history and government of the United States and New Hampshire. N.H. Rev. Stat. Ann § 189:11.

Private schools may contact the Department of Education to participate in the statewide assessment under the Statewide Education Improvement and Assessment Program. N.H. Rev. Stat. Ann § 193-C:6.

Special Education: No state or federal funds may be paid to a nonpublic school for the education and training of disabled children which has not been approved by the State Board of Education. N.H. Rev. Stat. Ann § 198:20-a.

The New Hampshire legislature has authorized the school board of any school district to provide nonpublic schools the following special education services: 1) health and welfare services including speech correction and remedial and diagnostic services; 2) programs for the deaf, blind, emotionally disturbed, children with disabilities; and 3) programs for the improvement of the educational studies of pupils with disabilities. N.H. Rev. Stat. Ann § 189:49.

Health: No child shall be admitted or enrolled in any private school unless the child is immunized as required, partially immunized relative to the age of the child, or exempt from immunization. A child is exempt if a physician certifies that the immunization may be detrimental to the child's health or a parent/guardian signs a notarized statement that the child has not been immunized because of religious beliefs. N.H. Rev. Stat. Ann § 141-c:20-a, c.

All children shall be examined prior to school entrance and periodically during the school years to detect the presence of tuberculosis. N.H. Rev. Stat. Ann § 200:38.

Safety: School buildings where 100 or more children may be in attendance must have the main exit doors equipped with a safety device so the door may be opened easily toward the outside by pressure against the door from the inside. School buildings of 2 or more rooms or where 50 or more pupils may be in attendance must be equipped with at least one regularly used outside door with key locks that can be locked on the outside only but that can always be opened easily on the inside by turning the knob or pushing the release bar. Bolts, except to hold 1/2 of a double door, hooks, thumb knobs or other locking devices upon such outside doors is prohibited. N.H. Rev. Stat. Ann § 199:23,24.

Persons illegally selling or possessing with the intent to sell any control drug on or within 1,000 feet of the real property of a private elementary or secondary school may be sentenced to a term of imprisonment or fined, or both, up to twice otherwise authorized. N.H. Rev. Stat. Ann § 318-B:26.

Nonpublic school students may participate in fingerprinting programs adopted by the local school districts. Participation is voluntary and may be authorized by a parent/guardian signature on a form developed by the principal of the nonpublic school. N.H. Rev. Stat. Ann § 189:49-a.

No newly established state liquor store may be operated within 200 feet of any public or private school. N.H. Rev. Stat. Ann § 177:1.

Transportation: Pupils attending approved private schools (K-12) are entitled to the same transportation privileges within any town or district as provided for pupils in public schools. N.H. Rev. Stat. Ann § 189:9.

Public Aid for Private Schools/Private School Students: The New Hampshire Constitution provides, "religious societies shall at all times have the right of electing their own teachers, and of contracting with them for their support or maintenance, or both. But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. And every person, denomination or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established." New Hampshire Const. Pt. 1, Art. 6

The New Hampshire Constitution also provides "No money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination." New Hampshire Const. Pt. 2, Art. 83.

The school board of any school district may provide the following child benefit services for pupils in nonpublic schools: 1)school physician, nurse, and health services; 2) school guidance and psychologist services; 3) educational testing services; 4) transportation; 5) textbooks and instructional materials; 6) health and welfare services including speech correction and remedial and diagnostic services; 7) driver education; 8) educational television services; 9) programs for the deaf, blind, emotionally disturbed, children with disabilities and audio-visual aids and programs for the improvement of the educational studies of pupils with disabilities; 10) physical education; and, 11) a hot lunch program. N.H. Rev. Stat. Ann § 189:49.

Textbooks, physician, nurse and health services, and hot lunches are nonideological; there is no danger that they will be used to foster religion; they are furnished at the request of the student, not the school; and, there will be no need for continuing surveillance which would lead to excessive entanglement. Therefore, the aid is constitutionally permissible. Opinion of the Justices, 115 N.H. 553 (1975)

Private and parochial and public schools that conduct courses in driver education approved by the State Department of Education are exempt from applicable license fees. N.H. Rev. Stat. Ann § 263:44.

Under the Missing Child Education Program, nonpublic schools may receive, upon request, education materials and assistance to develop an educational program concerning missing children issues. N.H. Rev. Stat. Ann § 193:32.

Miscellaneous: The Board of Education is charged with adopting rules relative to minimum standards for nonpublic school advisory councils and standards for the approval of nonpublic schools. N.H. Rev. Stat. Ann § 21-N:9.

The governing board of a private school must supply a United States flag, not less than 5 feet in length, with a flagstaff and appliances for display. Failure to comply is a violation. N.H. Rev. Stat. Ann § 189:17.

The Secretary of State will provide one copy of the state's annual legislative manual to every private secondary school library in the state without charge. N.H. Rev. Stat. Ann § 20:5.

NEW JERSEY

New Jersey provides significant assistance to the educational and physical needs of private school students.

Registration/Licensing/Accreditation: New Jersey law places registration requirements on a limited category of private schools that are not operated by charitable institutions or religious denominations, i.e. for-profit nonsectarian private boarding schools established after 1920 and private schools charging tuition for certain vocational education. This limited category of schools must obtain a certificate of approval from the Commissioner of Education to legally operate within the state. N.J. Rev. Stat. § 18A:69-1 et seq.

Recordkeeping/Reports: Private schools must report statistics relating to the conduct of the institution as required by the Commissioner, annually on or before August 1. No private schools may be required to report expenses or finances; nor shall any such report prepared by the school be made public. N.J. Rev. Stat. § 18A-6-4.

Length of School Year/Day: New Jersey's Compulsory Education Law requires children between the ages of 6 and 16 years of age to attend school during all the days and hours that the public schools are in session in the district. N.J. Rev. Stat. §§ 18A:38-25; 18A:38-26.

Curriculum: The Compulsory Education Law requires attendance at a public school or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments. N.J. Rev. Stat. § 18A:38-25.

Private schools must provide regular courses of instruction in the constitution of the United States from the 7th grade and through high school. N.J. Rev. Stat. § 18A:6-3.

Private schools must provide regular courses of instruction in accident and fire prevention. N.J. Rev. Stat. § 18A:6-2.

Special Education: Local boards of education must provide for the identification of nonpublic school students, ages 5-21, who cannot be accommodated through the school facilities usually provided because of handicaps. N.J. Rev. Stat. § 18A:46-6. The examination and classification of nonpublic school children occurs in a location determined by the local board and approved by the Commissioner. N.J. Rev. Stat. § 18A:46-8.

New Jersey provides for the public placement of handicapped children in accredited nonpublic schools if a child study team determines: 1) that a suitable special education program cannot be provided

otherwise; 2) the nonpublic school is the most appropriate placement for the child; 3) services are nonsectarian; 4) the school is not specifically approved for the education of handicapped pupils; and 5) the board of education places the child with the consent of the Commissioner, or by a court order. N.J. Rev. Stat. § 18A:46-14. N.J. Admin. Code tit. 5 § 23-3.11A, 4.2. Tuition rates at private schools may not exceed the actual cost per pupil determined under rules prescribed by the Commissioner and approved by the State Board of Education. N.J. Rev. Stat. § 18A:46-21. N.J. Admin. Code tit. 6 § 20-1.1, 1.2, 4.1-4.4, 4.7-4.11.

Nonpublic school students requiring the services of a certified speech-language specialist are entitled to receive services through the local board of education. Services require the consent of the parent/guardian and are provided in a location determined by the local school board, except services cannot be provided in a church or sectarian school. (Nonpublic schools are defined within this provision as schools offering K-12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the Civil Rights Act of 1964.) If student transportation is necessary to receive services, the local board of education will provide the transportation. N.J. Rev. Stat. § 18A:46-19.1 et seq.

Health: Private schools must insure compliance with the State Sanitary Code governing immunizations required for attending school. N.J. Rev. Stat. § 26:1A-9. A child is exempt from pertussis vaccine as a condition for admission to a private school if the child's physician states in writing that the vaccine is medically contraindicated. N.J. Rev. Stat. § 26:2N-4.

Local school boards may close private schools due to an epidemic. N.J. Rev. Stat. § 26:4-5.

Safety: Schools of two or more rooms, or of one room located on a second floor, must have at least 2 fire drills each month. If provided, fire escapes must be part of the drill. Teachers must keep all doors and exits of their rooms and buildings unlocked during the school hours. N.J. Rev. Stat. § 18A:41-1.

Schools having furnace room, hallway, or stair-tower fire or smoke doors must keep them closed when the building is occupied. N.J. Rev. Stat. § 18A:41-2.

Nonpublic schools may require applicants for positions involving regular contact with pupils to have a criminal history record check for information that would disqualify the individual for employment. N.J. Rev. Stat. § 18A:6-4.13. Substitute employees rehired annually at nonpublic schools that require a criminal history record check need only undergo a record check upon initial employment. N.J. Rev. Stat. § 18A:6-4.17.

Any private school personnel who in good faith reports a person in an attempt to help cure his dependency on a controlled substance will not be liable for civil damages. N.J. Rev. Stat. § 2A:62A-4; 18A:40A-14.

School bus drivers used by private schools for transportation to and from school must submit to a medical exam for the presence of alcohol, narcotics or habit-producing drugs. N.J. Rev. Stat. § 39:3-10.1a.

A municipality may authorize the chief executive officer to close any portion of a street within a block of a private school to resolve a safety problem for ingress and egress to the school or for the provision of recreational facilities for children attending the school. Closure must not exceed 1 hour between 7:30 and 10:00 A.M., 2 hours between 11:00 A.M. and 2:00 P.M. and 1 hour between 2:30 and 4:30 P.M. when school is in session. N.J. Rev. Stat. § 40:67-16.7.

Transportation: The New Jersey Constitution declares that the state legislature may, within reasonable limitations as to distance, provide student transportation (ages 5-18) to and from any school. New Jersey Const. Art. 8, § 4, par. 3.

Pupils attending nonprofit nonpublic schools not more than 20 miles from their residence are entitled to transportation if the school district provides transportation for public school pupils. If the cost of the transportation exceeds a set amount ($675 in 1992-93), the allocation will be given to the parent/guardian toward the cost of the transportation. N.J. Rev. Stat. § 18A:39-1.

The governing body of a nonpublic school may authorize personnel or parents to transport school children to related school activities in a private vehicle with a capacity of 8 or less. The transportation will be exempt from all the additional requirements imposed on the transportation of pupils by school bus. N.J. Rev. Stat. § 18A:39-20.1.

Public Aid for Private Schools/Private School Students: "Private school" is defined under New Jersey's education provisions as "a school, under college grade, which does not derive its support entirely or in part from public funds." N.J. Rev. Stat. § 18A:1-1.

The New Jersey Constitution provides that tax exemptions cannot be repealed for real and personal property owned by a corporation/association organized for religious, educational, or charitable purposes and used exclusively for those purposes. New Jersey Const. Art. 8, § 1, par. 2.

Local school boards of education have a duty to loan textbooks without charge upon individual request to students attending K-12 nonpublic schools. (Nonpublic schools are defined within this provision as schools offering K-12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the civil Rights Act of 1964.) School boards are not required to expend funds in excess of State aid provided. Loaned textbooks must be textbooks used in any public elementary or secondary school and approved by the board of education. N.J. Rev. Stat. § 18A:58-37.1.

Local boards of education provide auxiliary services, i.e. compensatory education services for computation and communication skills, supportive services for limited English-speaking students, and home instruction, on an equal basis to pupils in both public and nonpublic schools. Children enrolled full-time in a nonpublic school between the ages of 5 and 20 are eligible. (Nonpublic schools are

defined within this provision as schools offering K-12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the civil Rights Act of 1964.) If student transportation is necessary to receive services, the local board of education will provide the transportation. N.J. Rev. Stat. § 18A:46A-1.

The County Educational Audiovisual Commissions may contract with nonprofit private schools to provide educational audiovisual aids to the private schools. N.J. Rev. Stat. § 18A:51-6.

The Educational Services Commission may enter into contracts to provide educational services and programs to nonpublic schools. N.J. Rev. Stat. § 18A:6-63.

To the extent permitted by law, the Educational Information and Resource Center provides support and services to nonprofit, nonpublic schools. The services provided by the center include: a lending library of educational and instructional materials; preparation of media and materials for informational and instructional purposes; an educational information storage and retrieval system; special topic seminars and conferences; and consultant advice, information and expertise. N.J. Rev. Stat. § 18A:6-95.1.

Local boards of education provide nursing services for pupils enrolled full-time in nonpublic schools. The services include, but are not limited to, medical examinations, dental screening, hearing examinations, and maintenance of student health records. In addition, the emergency care provided public school pupils is extended to nonpublic school students who are injured or become ill at school or during athletic activities. Nonpublic schools may decline the nursing services by submitting written notification to the local board of education. Students are not compelled to receive services if their parent/guardian objects, except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease. N.J. Rev. Stat. § 18A:40-23 et seq. N.J. Admin. Code tit. 6 § 29-8(a).

The local boards of education have a duty to loan educational materials developed by the Commissioner of Education on the nature and effects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances to pupils attending nonpublic schools. N.J. Rev. Stat. § 18A:40A-5; 40A-17.

By statute, the Commissioner of Education is directed to promote environmental education programs in nonprofit elementary and secondary schools and to assist in their development. Nonprofit schools may use the state's environmental education centers. N.J. Rev. Stat. § 18A:6-87.

The New Jersey Commission on Holocaust Education provides assistance and advice to private schools on the implementation of Holocaust education and awareness programs. N.J. Rev. Stat. § 18A:4A-3.

Boards of Education may sell tracts of land no longer desirable for public school purposes to nonprofit private schools for the handicapped at the fair market price. N.J. Rev. Stat. § 18A:20-9.2.

Nonprofit nonpublic schools participating in the National School Lunch Program will be reimbursed with Federal funds, and if insufficient for the cost, may be supplemented with state funds.

N.J. Rev. Stat. § 18A:58-7.1 et seq. (Nonpublic schools are defined within this provision as schools offering K-12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the civil Rights Act of 1964.)

Corporations operated exclusively for educational purposes are exempt from sales tax if the earnings do not benefit any private individual, the organization's activities do not attempt to influence legislation, or intervene in any political campaign. N.J. Rev. Stat. § 54:32B-9.

Private or parochial schools conducting a course in driver education approved by the State Department of Education are not charged license fees. N.J. Rev. Stat. § 39:12-2.

By statute, local school boards are required to present each pupil upon graduation from any elementary school a bound copy of the Declaration of Independence, the United States Constitution, and the New Jersey Constitution. N.J. Rev. Stat. § 18A:36-18.

Miscellaneous: It is illegal for a municipality or county to discriminate between public and private nonprofit day schools of elementary or high school grade accredited by the State Department of Education by zoning ordinances governing the use of land. N.J. Rev. Stat. § 40:55D-66.

The New Jersey Constitution makes games of chance legal for educational or religious organizations when the net proceeds are devoted to educational or religious uses. New Jersey Const. Art. 4, § 7, par. 2A.

The Board of Higher Education prepares an annual report listing all sources of financial assistance available to New Jersey students attending any institution of higher education. The report is distributed to each private secondary school in the state. N.J. Rev. Stat. § 18A:3-14.1; 3-14.2.

Private school officials must provide a voter registration form and related nonpartisan materials to each eligible high school pupil in conjunction with the voter registration drive. N.J. Rev. Stat. § 18A:36-27.

Parents of public school pupils who injure a nonpublic school are liable for damages for the amount of injury. N.J. Rev. Stat. § 18A:37-3.

Employees of private schools are prohibited from inflicting corporal punishment upon a pupil attending school. However, employees may use reasonable and necessary force to quell a disturbance, threatening physical injury to others, to obtain weapons, for self-defense and for the protection of persons or property. N.J. Rev. Stat. § 18A:6-1.

By statute, nonprofit, nonpublic schools are represented by two members on the board of directors governing the Educational Information and Resource Center . N.J. Rev. Stat. § 18A:6-97.

Private school educators are included in the steering committee for the Governor's Teaching Scholars Loan Program. N.J. Rev. Stat. § 18A:71-82.

Private secondary school students are eligible to participate in the Legislative Internship Program operated in cooperation with the New Jersey Association of High School Councils.

NEW MEXICO

"Private school" is defined by statute as a school offering on-site programs of instruction not under the control, supervision or management of a local school board, exclusive of home instruction offered by a parent, guardian, or one having custody of the student. N.M. Stat. Ann. 22-1-2(J).

Registration/Licensing/Accreditation: The State Board of Education has a duty to assess and evaluate private schools that desire state accreditation and to prescribe courses of instruction, graduation requirements and standards for private schools seeking state accreditation. N.M. Stat. Ann. § 22-2-2 F, J.

The State Board of Education's authority to approve courses of instruction in private schools does not extend to supervision, control or management over private schools. Santa Fe Community School v. State Bd. of Education, 518 P.2d 272 (1974)

Recordkeeping/Reports: The State Board of Education is under a statutory duty to require periodic attendance reports from private schools on forms prescribed. N.M. Stat. Ann. § 22-2-2 L.

The governing authority of a private school is responsible to initiate the enforcement of the compulsory school attendance law for its enrolled students. The private school must give written notice of noncompliance by certified mail or personal service on the parent/guardian. If violations continue after written notice, the student must be reported to the probation services office of the judicial district where the student resides for an investigation. N.M. Stat. Ann. § 22-12-7.

The school superintendent of a private and parochial school must prepare a record showing the immunization status of every child enrolled in his/her school. The record must be current and available to the public health authorities. The superintendent must report the name of any parent/guardian neglecting to immunize his child to the director of the Health Services Division, Health and Environment Department. N.M. Stat. Ann. § 24-5-4.

Length of School Year/Day: Persons subject to the Compulsory School Attendance Law must attend school for at least the length of time of the school year that is established in the school district in which the person is a resident. N.M. Stat. Ann. § 22-12-2.

Curriculum: The State Board of Education regulates minimum standards for approved driver-education and motorcycle driver-education courses. N.M. Stat. Ann. § 22-13-12.

Special Education: Local school boards may publicly place exceptional children in private, nonsectarian, nonprofit educational training centers. Payment for education and services are made by the local board of education from funds available. Agreements between local school boards and private schools must provide for diagnoses and educational programs which meet state standards. N.M. Stat. Ann. § 22-13-8.

Health: No person with a communicable disease in a transmissible state dangerous to the health of students may be employed in a private school. Private school employees, including bus drivers, must present upon employment a certificate from a licensed physician stating that the person is free from such communicable diseases. N.M. Stat. Ann. § 22-10-10.

Children attending private or parochial schools are required to be immunized according to rules and regulations promulgated by the Health Services Division, Health and Environment Department, unless exempt due to medical contraindications or religious beliefs. N.M. Stat. Ann. § 24-5-1; 24-5-3.

The Health Services Division, Health and Environment Department, maintains a program to educate the general public, including private school students, on the nature and inheritance of sickle cell anemia. N.M. Stat. Ann. § 24-3-1.

Safety: Private schools are required to conduct at least one fire drill each week during the first four weeks of the school year and at least once each month thereafter for the remainder of the school year. If a paid fire department is maintained in the area, a member of the department must be requested to be in attendance to give instruction and constructive criticism. N.M. Stat. Ann. § 22-13-14.

The state fire marshall is required by statute to prescribe rules, regulations and programs, for teaching the proper methods of fire prevention and control to all school children. N.M. Stat. Ann. § 59A-52-7.

It is a misdemeanor to willfully interfere with the educational process of any private school by an act which would disrupt the functioning of the school. N.M. Stat. Ann. § 30-20-13.

Public Aid for Private Schools/Private School Students: The New Mexico Constitution prohibits the appropriation of any state educational funds to support any sectarian, denominational or private school. New Mexico Const. Art. XII, § 3. In addition, the Constitution prohibits appropriations for educational purposes not under the absolute control of the state.

All property used for educational purposes is exempt from state taxation under the New Mexico Constitution. New Mexico Const. Art. VIII § 3.

Students enrolled in an approved private school, grades 1-12, are entitled to the free use of instructional material. Under the state's Instructional Material Law, private schools may select materials for the students' use from the multiple list adopted by the state board. N.M. Stat. Ann. § 22-15-1 through 22-15-14.

Miscellaneous: A special use permit as a prerequisite to the operation of a parochial school is not an unreasonable restriction upon a church's free exercise of religion. City of Las Cruces v. Huerta, 692 P.2d 1331 (Ct. App. 1984).

Canvassing prospective students to sell a scholarship or collect tuition in advance of registration for a private school is illegal without first obtaining a permit from the state board. N.M. Stat. Ann. § 22-13-16.

The governing board of a private school may request family services on behalf of a family if a child is absent from school without an excuse for more than 10 days during a semester and the school submits an affidavit documenting the attempts to resolve the situation. Any person referring a family for family services is immune from civil or criminal liability unless the person acted in bad faith or with malicious purpose. N.M. Stat. Ann. § 32A-3A-3C.

NEW YORK

New York has operated without mandatory registration for private schools since its state statute was struck down in 1948. Packer Collegiate Institute v. University of New York, *81 N.E.2d 80 (1948).*

Registration/Licensing/Accreditation: A New York registration statute that conferred comprehensive power on the Board of Regents to regulate the registration of nonpublic schools was held invalid under the state constitution in 1948. Packer Collegiate Institute v. University of New York, 81 N.E.2d 80 (1948).

Nonpublic high schools must be registered with the Board of Regents in order to issue a high school diploma. N.Y. Educ. Law § 210; 8 N.Y. Comp. Codes R. & Regs. tit. § 100.2(p).

Nonpublic nursery schools and kindergartens may voluntarily register with the State Education Department. 8 N.Y. Comp. Codes R. & Regs. tit. Part 125.

Minors may comply with the state's compulsory education requirement at public schools or elsewhere. N.Y. Educ. Law § 3204.1.

Recordkeeping/Reports: The Commissioner of Education is under a statutory duty to establish procedures for a statewide system of assigning unique student identification numbers for all students in public and nonpublic schools for student tracking and state reporting purposes. N.Y. Educ. Law § 305.22.

Teachers are required to keep an accurate record of attendance as prescribed by the Commissioner of Education. Principals must ensure attendance records are maintained and produced if requested by school authorities. The principal must notify school authorities in writing of any student transfers or discharges. N.Y. Educ. Law § 3211.

Boards of Cooperative Educational Services are authorized to enter into contracts with nonpublic schools to provide data processing service for pupil personnel records and other administrative records of the nonpublic schools. N.Y. Educ. Law § 1950.4.h.4.

Nonpublic schools that are members of the University of the State of New York must complete verified reports as prescribed by the Regents or the Commissioner of Education. N.Y. Educ. Law § 215. In addition, these schools must provide information to the Regents for their annual report to the Governor and the Legislature concerning the schools of the state. N.Y. Educ. Law § 215-a.

Pupil records must be maintained by nonpublic schools in accordance with 8 N.Y. Comp. Codes R. & Regs. tit. Part 104. Nonpublic schools that discontinue operation must make provision for pupil academic records in accordance with 8 N.Y. Comp. Codes R. & Regs. tit. § 104.2.

Length of School Year/Day: Unless shorter instruction has been approved by school authorities as substantially equivalent in amount and quality, students attending nonpublic schools must attend for at least as many hours as required in public schools. In addition, permitted absences must follow the general rules and practices of the public schools. Absence for religious observances and education are permitted under rules established by the Commissioner. Holidays and vacations must not exceed the amount allowed by public schools. N.Y. Educ. Law § 3210.2.

A full time day school must be in session for not less than 190 days each year, inclusive of legal holidays during the term and exclusive of Saturdays. N.Y. Educ. Law. § 3204.4. Accounting for the 10 state public holidays, schools must be session 180 days.

Instruction in English: English is the language of instruction and textbooks used must be written in English, except for a limited time (3 - 6 years), for students with limited English proficiency. N.Y. Educ. Law § 3204.2.

Teacher Certification: Instruction may only be given by a competent teacher. N.Y. Educ. Law § 3204.2.

All professional instructional and supervisory personnel at private schools providing public placements for disabled children must be appropriately certified. N.Y. Comp. Codes R. & Regs. tit. 8, § 200.7(b)(6).

Effective October 1994, coaches of high school extra-class nonpublic school athletic activities must meet training requirements in first aid and adult cardiopulmonary resuscitation. Persons already employed as coaches have an additional 12 months to obtain the necessary training. N.Y. Educ. Law § 3001-c.

Curriculum: Instruction given to a minor elsewhere than a public school must be substantially equivalent to the instruction given at the local public school. N.Y. Educ. § 3204.2. (The course of study for the first eight years of public school must include arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training, and the history of New York state and science. Beyond the first eight years, instruction must include the English language and its use, civics, hygiene, physical training, American history including the Declaration of Independence and the Constitution of the United States, and may include a course in communism and its methods and its destructive effects. N.Y. Educ. § 3204.3.)

As part of health education, all schools must provide instruction to discourage the misuse and abuse of alcohol, tobacco, and other drugs and promote attitudes and behavior that enhance health, well being and human dignity. N.Y. Educ. Law § 804.

Students may be excused from health and hygiene if it conflicts with their parent/guardian's religion and is certified by a representative of their religion. N.Y. Educ. § 3204.5.

BEST COPY AVAILABLE

Private schools offering instruction deemed substantially equivalent to public schools must offer courses of instruction in patriotism and citizenship for students over 8 yrs. old, and instruction in the Constitution of the United States and New York and the Declaration of Independence for students in grade 8-12. N.Y. Educ. Law § 801.1, 2.

Private schools offering instruction deemed substantially equivalent to public schools must offer instruction in physical education for students over 8 years old. N.Y. Educ. Law § 803.4

Private and parochial schools must provide instruction in fire and arson prevention as prescribed by the Commissioner of Education. Instruction must be given at least 45 minutes every month while school is in session. N.Y. Educ. Law § 808.

Private schools offering instruction deemed substantially equivalent to public schools must offer instruction in highway safety and traffic regulations, including bicycle safety. N.Y. Educ. Law § 806.1.

Discrimination: No person may be denied admission into any course of instruction offered in the state public and high school systems based on sex. Neither may students be disqualified from state public and high school athletic teams based on sex, except as provided by state regulations. N.Y. Educ. Law § 3201-a.

Nonsectarian education corporations that are exempt from taxation are prohibited from denying the use of their facilities to any person based on race, color, religion, disability, national origin, age or marital status. N.Y. Executive Law § 296(4).

New York's Human Rights Law prohibits employment discrimination based on age, race, creed color, national origin, sex and disability in nonpublic schools. N.Y. Executive Law Art. 15.

Special Education: Upon written request by the parent/guardian, nonpublic schools students may receive services for gifted pupils, occupational and vocational education, and education for students with disabling conditions and related services provided the instruction is given to public school students. Transportation is provided if the distance between the nonpublic school and the public school exceeds 1/4 mile except disabled students receive transportation according to their needs. N.Y. Educ. Law § 3602-c.

School district's may provide students with disabilities special services or programs through contracts with private residential and nonresidential schools approved by the Commissioner. N.Y. Educ. Law § 4401(e), (f), (g). 8 N.Y. Comp. Codes R. & 200.6.

All professional instructional and supervisory personnel at private schools providing public placements for disabled children must be appropriately certified. N.Y. Comp. Codes R. & Regs. tit. 8, § 200.7(b)(6).

School boards must provide suitable transportation up to a distance of fifty miles to and from a nonpublic school which a disabled child attends to receive special education services. N.Y. Educ. Law § 4402.4.d.

The State Department of Education has a duty to audit nonpublic schools receiving public moneys for services to children with disabilities. N.Y. Educ. Law § 4403.5.

Health: Local school districts must provide all health and welfare services and facilities that are available to public school students to students attending schools other than public, when requested. Services may include, but are not limited to services performed by a physician, dentist, dental hygienist, nurse, school psychologist, social worker, speech correctionist and maintenance of health records and emergency care programs for ill or injured pupils. N.Y. Educ. Law § 912.

Students attending private schools must have certificates of immunization unless a physician certifies than the immunization is detrimental or if immunization is contrary to the genuine and sincere religious beliefs of the parent/guardians. School principals may not admit students in excess of 14 days who do not have a certificate. (The period may be extended to 30 days if the immunization is in progress.) School principals have a duty to inform parent/guardians of the necessity of immunization and the availability of free immunizations through the local health officer. If students are excluded from school for lack of immunization, principals have a duty to notify the local health authority and the parent/guardians and to provide an opportunity for immunization through the local health authority if the parent consents. N.Y. Pub. Health § 2164.

Nonpublic schools operating substance abuse programs must have the approval of the Commissioner of Mental Health. Approval is valid for three years and is contingent on compliance with the regulations promulgated by the Commissioner. N.Y. Mental Hyg. Law § 23.01.

Smoking is prohibited in all private schools except specifically designated areas. N.Y. Pub. Health Law § 1399-o.

Private school authorities may cause students to be examined for drug abuse, including urine analysis, upon written consent of the parents. N.Y. Educ. Law § 912-a.

Safety: Private school administrators have a duty to train pupils to exit the building in a sudden emergency. Fire drills must be conducted at least 12 times each school year; 8 of the drills must be held between September 1 and December 1; 1/3 of the drills should use fire escapes on buildings if provided; and at least 1 drill should instruct students how to leave the building during lunch period. An administrator failing to comply with this provision is guilty of a misdemeanor. N.Y. Educ. § 807.

Administrators of private schools, i.e. kindergarten with 6 or more pupils and establishments other than public schools with 25 or more pupils, must have the school buildings inspected annually for fire hazards. Inspections must be conducted prior to December 1st and a report filed with the State Fire

Administrator on forms provided by the Commissioner of Education. The provision is inapplicable to school authorities in New York City, Buffalo, Rochester, Syracuse and Yonkers. N.Y. Educ. Law § 807-a.

Private schools located in areas with local fire departments unequipped with electronically operated fire alarm reporting systems may cause the internal school fire alarms to be interconnected with the local fire department. Installation and maintenance costs must be apportioned to the school authorities. N.Y. Educ. Law § 807-c. Private schools having a central annunciator panel identifying activated alarms must locate the panel so it can be read without entering the building. N.Y. Educ. Law § 807-d.

The Division of Criminal Justice Services disseminates a missing children's bulletin to the State Education Department for public and private school use. The division will assist private schools in developing education and prevention programs concerning child safety. N.Y. Exec. Law § 837-f.

New York restricts retail liquor licenses for on-premises consumption within 200 feet of a building used exclusively as a school. N.Y. Alco. Bev. Cont. Law § 64.7.

Administrators of private schools must arrange that every participant in shop or laboratory classes involving dangerous activities, as specified, wear eye safety devices in accordance with state regulations. N.Y. Educ. Law § 409-a.

Nonpublic school administrators must require that batboys and batgirls participating in baseball and softball competitions wear protective headgear when on the field and the game is in play. N.Y. Educ. Law § 409-c.

Transportation: The New York Constitution allows the state legislature to provide transportation for students to and from private schools. New York Const. Art. XI, Sec. 3.

Transportation, up to 15 miles, is provided for all children residing within the school district who are in need i.e. K-8 students residing more than 2 miles from school and 9-12 students residing more than 3 miles from school. If nonpublic school students live beyond the limits qualifying for transportation, school districts providing transportation to public school students must provide centralized pick-up points at public schools for the students. Superintendents of cities in excess of one million, must notify nonpublic school officials who have requested transportation of the school calendar for the following year by June 1st. N.Y. Educ. § 3635.

The Commissioner of Transportation has authority to regulate all motor vehicles transporting passengers to and from schools, for hire or owned and/or operated by any private school. N.Y. Transp. Law § 140.2.a.(i).

Nonpublic school vehicle operators may apply for reimbursement of motor vehicle tax expended exclusively in educational related activities. N.Y. Tax Law § 289-c.3.e.

Public Aid for Private Schools/Private School Students: The New York Constitution prohibits appropriations by the state or any subdivision, directly or indirectly, to a sectarian school except for examination or inspection. New York Const. Art. XI, Sec. 3.

Local school districts have the power and the duty to loan free of charge textbooks to children enrolled in nonpublic schools upon request. Textbooks must be designated for use by public schools or approved by school authorities. School districts must loan textbooks to public and nonpublic schools on an equitable basis. N.Y. Educ. Law § 701.3,4. The loan of free textbooks to parochial schools does not violate the N.Y. Constitution. Bd. of Education v. Allen, 228 N.E.2d 791 (1967).

School districts have the power and duty to loan school library materials to pupils attending private schools. The materials must be designated for use in any public elementary or secondary school of the state or approved by the board of education, trustees or other school authorities. N.Y. Educ. Law § 712.

See **Health** for health care services.

The Commissioner of Education is under a statutory duty to give timely notice to nonpublic schools of alternate sources of funding including competitive grants. N.Y. Educ. Law § 305.2.

Nonpublic schools may make purchases, except of printed material, through the State Division of Standards and Purchase, Office of General Services. Boards of education may permit nonpublic schools to make purchases through the local school district provided administrative costs are paid by the nonpublic schools. N.Y. Gen. Mun. Law. § 109-a.

Upon request, local school districts will loan computer software to private school students free of charge. Software programs must be designated for use in any public school or approved by school authorities. N.Y. Educ. Law § 752.

Private schools are eligible to apply to the Office of Mental Health for education grants for the identification and treatment of adolescents who are at high risk for suicide. N.Y. Mental Hyg. Law § 41.49.

Real property owned by nonprofit corporations or associations conducted exclusively for religious or educational purposes is exempt from real property tax. N.Y. Real Prop. Tax § 420-a.

Sales by or to nonprofit corporations or associations, organized exclusively for religious or educational purposes, are exempt from state sales and compensating use tax. N.Y. Tax § 1116(a).

The Commissioner of Education may approve school district and boards of cooperative educational services applications for funding of approved learning technology programs, including services benefitting nonpublic school students. § 550 of Chapter 170 of the Laws of 1994.

Miscellaneous: The Department of Education has established a Teacher Career Recruitment Clearinghouse which provides nonpublic schools an applicant data base, employment opportunities, and information regarding financial assistance for students interested in careers in education, certification and licensure requirements. N.Y. Educ. Law § 3034.

The New York State Theatre Institute offers guidance and consultation on arts and education programs in private elementary and secondary schools. N.Y. Arts & Cult. Aff. Law § 9.07.

NORTH CAROLINA

It is the public policy of North Carolina in matters of education that "No human authority shall, in any case whatever, control or interfere with the rights of conscience," or with religious liberty and that "religion, morality and knowledge being necessary to good government and the happiness of mankind . . . the means of education shall forever be encouraged." N.C. Gen. Stat. § 115C-547.

Registration/Licensing/Accreditation: Children in North Carolina may attend private church schools or schools of religious charter under § 115C-547 et seq., or nonpublic schools which qualify under § 115C-555 et seq. Delconte v. State, 329 S.E.2d 636 (1985). Private church schools or schools of religious charter and qualifying nonpublic schools which comply with these controlling provisions are not subject to any other educational provisions except requirements respecting fire, safety, sanitation and immunization. N.C. Gen. Stat. § 115c-554, 562. (Although N.C. Gen. Stat. § 115C-378 refers to "approved nonpublic schools," according to the North Carolina Department of Education, in practice, nonpublic schools are not approved by the Department.)

Qualified nonpublic schools are schools that are 1) accredited by the State Board of Education; 2) accredited by the Southern Association of Colleges and Schools; 3) active members of the North Carolina Association of Independent schools; or, 4) schools that receive no funding from the State of North Carolina. N.C. Gen. Stat. § 115C-555.

Private church schools or schools of religious charter must send a notice of intent to operate, the name and address of the school, and the name of the school's owner and chief administrator to the duly authorized representative of the State designated by the Governor. N.C. Gen. Stat. § 115C-552(a), 553.

Nonpublic schools may voluntarily seek accreditation by the North Carolina Board of Education. N.C. Gen. Stat. § 115C-555(1).

Recordkeeping/Reports: Private church schools or schools of religious charter must make and maintain annual attendance and disease immunization records for each student. N.C. Gen. Stat. § 115C-548. Private church schools or schools of religious charter must send a notice of intent to operate, the name and address of the school, and the name of the school's owner and chief administrator to the duly authorized representative of the State designated by the Governor. N.C. Gen. Stat. § 115C-552(a), 553. When the school terminates operation, the school must also notify the State's designated representative. N.C. Gen. Stat. § 115C-552(b). Private schools operated by any church or other organized religious group which complies with the requirements under § 115C-547 et seq. are not subject to any other provision except requirements respecting fire, safety, sanitation and immunization.

Qualified nonpublic schools must make and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. N.C. Gen. Stat. § 115C-556. Qualified

nonpublic schools must send a notice of intent to operate, the name and address of the school, and the name of the school's owner and chief administrator to the duly authorized representative of the State designated by the Governor. N.C. Gen. Stat. § 115C-560(a). When the school terminates operation, the school must also notify the State's designated representative. N.C. Gen. Stat. § 115C-560(b). Qualified nonpublic schools which comply with the requirements under § 115C-555 et seq., are not subject to any other provision except requirements respecting fire, safety, sanitation and immunization.

Length of School Year/Day: Attendance at a private church school or school of religious charter satisfies the compulsory school attendance requirements provided the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least 9 calendar months of the year. N.C. Gen. Stat. § 115C-548.

Attendance at a qualified nonpublic school satisfies the compulsory school attendance requirements provided the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least 9 calendar months of the year. N.C. Gen. Stat. § 115C-556.

To satisfy the compulsory attendance statute, attendance at a approved nonpublic school must be for a period equal to the time the local public school is in session. N.C. Gen. Stat. § 115C-378.

Teacher Certification: Teachers employed at nonpublic schools that are voluntarily accredited by the North Carolina Board of Education must be certified.

Curriculum: Private church schools or schools of religious charter must administer a nationally standardized test to students in grades three, six and nine at least once each school year. The test must measure achievement in English grammar, reading, spelling and mathematics. The results of the test must be made available for one year after the testing for inspection by an authorized representative of the State of North Carolina. N.C. Gen. Stat. § 115C-549. Private church schools or schools of religious charter must administer a nationally standardized test to students in grade eleven to measure competencies in the verbal and quantitative areas. The school must establish a minimum score for graduation. Test results must be made available for one year after the testing for inspection by an authorized representative of the State of North Carolina. N.C. Gen. Stat. § 115C-550. Private church schools or schools of religious charter may participate voluntarily in high school competency testing and statewide testing programs. N.C. Gen. Stat. § 115C-551.

Qualified nonpublic schools must administer a nationally standardized test to students in grades three, six and nine at least once each school year. The test must measure achievement in English grammar, reading, spelling and mathematics. The results of the test must be made available for one year after the testing for inspection by an authorized representative of the State of North Carolina. N.C. Gen. Stat. § 115C-557. Qualified nonpublic schools must administer a nationally standardized test to students in grade eleven to measure competencies in the verbal and quantitative areas. The school must establish a minimum score for graduation. Test results must be made available for one year after the testing for inspection by an authorized representative of the State of North Carolina. N.C. Gen. Stat. § 115C-558.

Qualified nonpublic schools may participate voluntarily in high school competency testing and statewide testing programs. N.C. Gen. Stat. § 115C-559.

The State Board of Education may use tests to assure that graduates of nonpublic schools supervised by the State Board of Education possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. N.C. Gen. Stat. § 115C-174.11(b).

Private school students may enroll in driver education programs offered by the State Superintendent of Public Instruction at local public high schools. N.C. Gen. Stat. § 20-88.1.

Special Education: North Carolina publicly places students requiring special education in private schools without cost to the parents. The private schools must meet standards that apply to State and local educational agencies and secure the rights the students would have if served by the State or local educational agency. N.C. Gen. Stat. § 115C-115. Students with special needs may be transported by public school buses to and from the nearest appropriate private school having a special education program approved by the state if the child is publicly placed by the State or local school administrative unit. N.C. Gen. Stat. § 115c-242(1).

Health: Private church schools or schools of religious charter and qualifying nonpublic schools are subject to the state requirements respecting sanitation and immunization. N.C. Gen. Stat. § 115C-554, 562.

No child may attend a K-12 private or religious school unless a certificate of immunization is presented to the school or the child has received a medical or religious exemption. If a certification of immunization is not presented on the first day of classes, the principal must present a notice of deficiency to the parent/guardian. The parent has 30 days to obtain the required immunizations and additional days if needed upon certification of a physician. Upon termination of the 30 days or the extended period, the principal shall not permit the child to attend the school unless the child has been immunized or has obtained the necessary exemption. N.C. Gen. Stat. § 130A-155, 157.

Children entering kindergarten in private church schools, schools of religious charter, or qualified nonpublic schools are exempt from the state's statutory requirement for health assessments. (By inference, kindergarten students enrolled in approved nonpublic schools must receive a health assessment prior to admission. The assessment must include a medical history and physical examination with screening for vision and hearing, and if appropriate, testing for anemia and tuberculosis.) N.C. Gen. Stat. § 130-440.

Safety: Private church schools or schools of religious charter and qualifying nonpublic schools are subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law. N.C. Gen. Stat. § 115C-548, 554, 556, 562.

Private schools must conduct at least one fire drill every month during the regular school session in each building where children are assembled. The Commissioner of Insurance, the Superintendent of Public Instruction, and the State Board of Education are under a duty to provide instructions for properly conducting fire drills. October 9th of every year is set aside as "Fire Prevention Day." N.C. Gen. Stat. § 58-79-35.

Private schools must provide eye protective devices free of charge to students and teachers participating in shop or laboratory classes involving hazardous materials as defined by statute. Students and teachers are required to wear the devices at all times when participating in such a program. N.C. Gen. Stat. § 115C-166.

The Board of Transportation or local authorities may set lower speed limits for areas adjacent to private or parochial schools to be enforced on days when schools are in session. N.C. Gen. Stat. § 20-141.1.

The North Carolina Department of Justice may provide a criminal record check to nonpublic school employers for school employees and/or applicants if the individual consents to a record check. The Department will charge a reasonable fee not to exceed the actual cost of locating, editing, researching, and retrieving the information. N.C. Gen. Stat. § 114-19.2(b), (c).

Any person who wantonly and willfully sets fire to a private school or attempts to set fire to a private school commits a felony. N.C. Gen. Stat. § 14-60, 67.

It is illegal to carry any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive, bowie knife, dirk, dagger, slingshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind on private school property unless for instructional or sanctioned ceremonial purposes. N.C. Gen. Stat. § 14-269.2.

North Carolina's criminal law makes it a misdemeanor to engage in disorderly conduct by disrupting the teaching of students at any private educational institution. N.C. Gen. Stat. § 14-288.4.

Transportation: See Special Education.

Public Aid for Private Schools/Private School Students: The North Carolina Constitution provides that the state school fund and the county school funds must be faithfully appropriated and used exclusively for free public schools. N.C. Const. Art. IX, Sec. 6, 7.

The North Carolina Constitution provides that the General Assembly may exempt property held for educational purposes from state and local taxation. N.C. Const. Art. V, Sec. 2.

Food sold not for profit by private school cafeterias within school buildings during the regular school day are exempt from state retail sales tax. N.C. Gen. Stat. § 105-164.13(26).

State law authorizes the State Board of Education or any other state agency to provide instructional materials purchased with federal funds for the use of children and teachers in private elementary and secondary schools as required by acts of Congress. N.C. Gen. Stat. § 115C-409(b).

Miscellaneous: Information acquired by a certified private school counselor through student counseling is privileged unless the student waives the privilege or a judge compels disclosure. N.C. Gen. Stat. § 8-53.4.

The Secretary of State distributes one copy of the North Carolina Manual biennially to private schools containing grades 8-12. N.C. Gen. Stat. § 147-54.

NORTH DAKOTA

The approval of a private school by the County Superintendent and State Superintendent is mandatory in North Dakota to comply with the state's compulsory attendance statute. N. D. Cent. Code § 15-34.1-03.

Registration/Licensing/Accreditation: Attendance at a parochial or private school excuses a child from public school attendance if the child is in attendance for the same length of time and if the school is approved by the County Superintendent of Schools and the Superintendent of Public Instruction. State approval requires 1) teacher certification; 2) curriculum offerings in accordance with state mandates; and, 3) compliance with all municipal and state health, fire, and safety laws. N.D. Cent. Code § 15-34.1-03. Government approval of private schools and the teacher certification requirement under this provision has been ruled constitutional. State v. Anderson, 427 NW 2d 316, cert. denied, 488 U.S. 965 (1988).

Private and parochial kindergartens complying with state requirements that govern teacher certification, curriculum, days of instruction, health, fire, and safety, and admission criteria may be approved by the Superintendent of Public Instruction. N.D. Cent. Code § 15-45-02.

The Superintendent of Public Instruction has the authority to adopt standards for the accreditation of private schools. N.D. Cent. Code § 15-21-04.1. Accredited high schools must comply with state course requirements and class period guidelines. N.D. Cent. Code § 15-41-06;15-41-07.

Recordkeeping/Reports: The Superintendent of Public Instruction is required by law to include in his biennial report to the Governor and the Office of Management and Budget, the condition, educational and financial, of the private schools and academies of the state as far as it can be ascertained. N.D. Cent. Code § 5-21-14.

Pupils enrolled in private or parochial schools must be registered in their legal surname and all records maintained by the school with regard to a pupil must be maintained in that pupil's legal surname. N.D. Cent. Code § 15-47-48.

Length of School Year/Day: Attendance at a parochial or private school excuses a child from public school attendance if the child is in attendance for the same length of time. N.D. Cent. Code § 15-34.1-03. Public elementary and secondary schools must provide at least 180 days of instruction, which include 3 holidays, 2 parent-teacher conference days, and 1 day when classes cannot be held because an act of God, epidemic or failure of physical facilities. N.D. Cent. Code § 15-47-33. In addition, 2 days (from the 180) are set aside for teacher education association meetings. N.D. Cent. Code § 15-47-14.

Private high schools must provide students a minimum of 4 unit courses each year, taught a minimum of 40 minutes a day for at least 180 days, except that natural science courses must exceed 40 minutes as determined by the Superintendent of Public Instruction. N.D. Cent. Code § 14-41-06.

Teacher Certification: To meet state approval requirements, parochial and private school teachers must be state certificated. N.D. Cent. Code § 15-34.1-03. High school teachers, except trade, industrial, technical and health teachers, must hold a major or minor in the field that they are teaching. N. D. Cent. Code § 15-41-25.

Curriculum: To meet state approval requirements, parochial and private schools must provide instruction in spelling, reading, writing, arithmetic, language, English grammar, geography, United States history, civil government, nature study, and elements of agriculture. Physiology and hygiene must also be taught, including the nature and effect of alcohol and narcotics; the nature, treatment, and prevention of tuberculosis; and other contagious and infectious diseases. N.D. Cent. Code §§ 15-34.1-03; 15-38-07.

High schools, grades 9-12, must offer a minimum of 4 units of course work each year. Alternative high school senior curriculum plans may be adopted if approved by the Superintendent of Public Instruction. All unit courses must be taught a minimum of 40 minutes a day for at least 180 days, except that natural science courses must exceed 40 minutes as determined by the Superintendent. N.D. Cent. Code § 15-41-06. Course offerings must include the following units of study: English (4); Mathematics (3); Science (4); Social Studies (3 including world history and United States history with a strong geography component); Health and physical education (1); Music (1); and, any combination of business education, economics and the free enterprise system, foreign language, industrial arts, vocational education (6). N.D. Cent. Code § 15-41-24.

Regular courses of instruction in the Constitution of the United States must be taught in all public and private schools beginning in the 8th grade and continuing in high school. N.D. Cent. Code § 15-38-08.

Special Education: School districts must contract with accredited private nonsectarian nonprofit corporations within or without the state or out-of-state public schools for the education of students with disabilities that are unable to attend public schools in the district because of their disability if there are no public schools in the state with the necessary facilites which will accept such students. Transportation must also be furnished for these students. N.D. Cent. Code § 15-59-07.

Health: To meet state approval requirements, parochial and private schools must be in compliance with all municipal and state health laws. N.D. Cent. Code § 15-34.1-03.

Private school teachers, administrators, parents and guardians are prohibited from permitting children with significant contagious or infectious diseases to attend school until permitted to do so under the regulations of the local board of health. N.D. Cent. Code § 23-07-16.

Safety: To meet state approval requirements, parochial and private schools must be in compliance with all municipal and state fire and safety laws. N.D. Cent. Code § 15-34.1-03.

Plans and specifications for all new private school buildings and for additions and remodeling for existing school buildings must be submitted to the State Fire Marshall. N.D. Cent. Code §§ 18-12-03; 18-12-05.

Private schools may organize and supervise school safety patrols to direct students when and where to cross highways, streets, and roads. N.D. Cent. Code § 15-47-44.

Transportation: Nonpublic school students may receive transportation to school on public school buses running on public school routes if authorized by the local school board, passenger room is available, and no state funds are paid for mileage costs for any deviation from the established public routes. N.D. Cent. Code § 15-34.2-16.

Public Aid for Private Schools/Private School Students: The Board of Higher Education may pay private schools for the actual cost of their services in training student teachers. N.D. Cent. Code § 15-47-41.

Gross receipts from the sale of textbooks to private school students and the sale of textbooks, yearbooks, school supplies and food supplies to private nonprofit elementary and secondary schools are exempt from state sales tax. N.D. Cent. Code § 57-39.2-04.5, 20.

Miscellaneous: The Superintendent of Public Instruction is charged with developing nonbinding guidelines to assist school boards in participatory school decisionmaking, i.e. decisionmaking by teachers, parents, school administrators, and other employees. The guidelines must be made available to nonpublic schools. N.D. Cent. Code § 15-29-08.3.

A private school classroom teacher is included by statute on North Dakota's nine-member Education Standards and Practices Board beginning January 1, 1995. N.D. Cent. Code § 15-38-17.

OHIO

Effective July 1, 1995, the State Board of Education will classify and charter nonpublic schools according to prescribed standards on a voluntary basis. No charter will be granted to a nonpublic school unless the school elects to administer standardized tests. Ohio Rev. Code Ann. § 3301.07.

Registration/Licensing/Accreditation: Schools other than public schools must conform to the minimum standards prescribed by the State Board of Education. Ohio Rev. Code Ann. § 3321.07.

The State Board of Education classifies and charters nonpublic schools according to prescribed standards on a voluntary basis. The State Board of Education will consider the particular needs, methods and objectives of nonpublic schools provided they do not conflict with a high quality general education and regular procedures are followed for the promotion of pupils. Ohio Rev. Code Ann. § 3301.07(D). Effective July 1, 1995, no charter will be granted to a nonpublic school unless, pursuant to § 3301.0711(K), the school elects to administer the ninth grade statewide proficiency tests, prescribed under § 3301.0710(B), beginning July 1, 1995. The state board shall revoke the charter of any nonpublic school that does not comply with § 3313.612, prohibiting nonpublic schools from granting high school diplomas to anyone unless they have attained at least the applicable scores on the ninth grade proficiency tests with limited exceptions or, does not participate in the ninth grade proficiency testing program under § 3301.0710(B). Ohio Rev. Code Ann. § 3301.16. Ohio Admin. Code § 3301-35.

Recordkeeping/Reports: A student enrolling in a nonpublic school must present: 1) records of prior school enrollment; 2) a certified copy of a court order allocating parental rights, if applicable; and, 3) a certification of birth. Within 24 hours of enrollment, a school official must request the pupil's official records from the sending school. If the school claims it has no records of attendance or the records are not received within 14 days, or if the pupil does not present a certification of birth, the school official must notify the local law enforcement agency of the possibility that the pupil is a missing child. Ohio Rev. Code Ann. § 3313.672.

Parochial and private schools must file annual reports to the State Board of Education on forms provided by the Board. Ohio Rev. Code Ann. § 3301.14.

Private and parochial schools must report to the Treasurer of the Board of Education the names, ages, and residence of all pupils under 18 within the first two weeks of school to facilitate carrying out the laws relating to compulsory education and the employment of minors. Reports must be updated within the first week of every subsequent school month. Ohio Rev. Code Ann. § 3321.12.

Nonpublic school administrators may request from the local school district an accounting of the moneys received by the district under § 3317.06 for students attending chartered nonpublic schools. (See **Public Aid**.) Ohio Rev. Code Ann. § 3317.024(P).

Length of School Year/Day: Students enrolled in schools other than public schools must attend for equivalent hours and term of attendance for public school students. Ohio Rev. Code Ann. § 3321.07.

Private and parochial schools may prescribe when a child may be excused for absence from school for good and sufficient reasons. Ohio Rev. Code Ann. § 3321.04.

Discrimination: The provision of transportation for nonpublic school students with state funds is conditioned on the school's nondiscrimination in the selection of pupils, faculty members, and employees based on race, color, religion or national origin. Ohio Rev. Code Ann. § 3327.01.

Blind, deaf, and mobility impaired persons assisted by guide dogs are entitled to the full and equal accommodations in institutions of education, including nonpublic elementary and secondary schools. Ohio Rev. Code Ann. § 955.43.

Teacher Certification: Standards for teacher certification for nontax-supported schools provide for certification without further educational requirements for individuals with a bachelor's degree from an accredited college or university. Standards for teacher certification in nonchartered nontax-supported schools provide for certification without further educational requirements for individuals who have attended Bible colleges and Bible institutes. Teachers in nonchartered, nontax-supported schools are exempt from certification fees. Ohio Rev. Code Ann. § 3301.071.

Curriculum: Chartered nonpublic schools may participate in the statewide proficiency test program if the chief administrator submits a written request to the Superintendent of Public Instruction prior to August 1. Ohio Rev. Code Ann. § 3301.0711(K).

After September 15, 1998, no chartered nonpublic school may grant a high school diploma unless the student has attained applicable scores on requisite tests, with limited exceptions. Ohio Rev. Code Ann. § 3313.612; 3301.0710.

Special Education: The Department of Education will consult with chartered nonpublic schools regarding sign language interpreters for the instruction of hearing-impaired children. Ohio Rev. Code Ann. § 3323.17.

Health: No person may establish an institution for persons suffering from a communicable disease, defined by the Director of Health, within 2,000 feet of any private or parochial school. Ohio Rev. Code Ann. § 3313.74.

Safety: Principals of private schools having an average daily attendance of 50 students or more must instruct and train the students to exit buildings by drills at least once a month. The doors and exits of school buildings must be unlocked during school buildings. Ohio Rev. Code Ann. § 3737.73.

Ohio's Missing Child Educational Program will assist nonpublic schools in developing cooperative programs with local law enforcement agencies for fingerprinting children. The Office of the Attorney General will disseminate periodic information bulletins of missing children to nonpublic schools. If the chief administrator of a nonpublic school is notified that a missing child is attending his school, the administrator must notify the Missing Children Clearinghouse and the local law enforcement agency immediately. Ohio Rev. Code Ann. §§ 109.65; 3301.25.

The hiring officer of any chartered nonpublic school must request a criminal records check for any applicant for a position responsible for the care, custody, or control of a child. The request must be made to the Superintendent of the Bureau of Criminal Identification and Investigation. If the applicant was convicted or plead guilty to certain crimes listed, the school cannot employ the individual. The cost of the criminal records check is born by the school, but may be passed on to the applicant if notified beforehand. Ohio Rev. Code Ann. § 3319.39.

Chartered nonpublic schools must comply with written requests for student records from entities investigating complaints of child abuse and neglect unless the school determines they are prohibited by law and file a motion with the court. Ohio Rev. Code Ann. § 2151.141.

The State Board of Education will provide technical assistance to chartered nonpublic schools on Block Parent Programs, i.e. voluntary programs to provide students temporary refuge. Ohio Rev. Code Ann. § 3301.076.

If known, chartered nonpublic schools will be notified by the prosecuting attorney if an employed certificated teacher is convicted or pleads guilty to certain criminal violations. Ohio Rev. Code Ann. § 3319.52.

Transportation: Students, grades K-8, who attend nonpublic schools and reside more than 2 miles from school will receive transportation unless the local and State Board of Education deems the transportation unnecessary or unreasonable. In lieu of transportation, the board may reimburse families the costs of transportation. School boards may provide students, grades 9-12, transportation to and from nonpublic schools. The boards must provide transportation for students with disabilities. Transportation is conditioned on the school's nondiscrimination in the selection of pupils, faculty members, and employees based on race, color, religion or national origin. Ohio Rev. Code Ann. § 3327.01.

Transportation for students attending sectarian schools does not violate the Ohio constitutional provision prohibiting religious control over state school funds. Honohan v. Holt, 244 NE2d 537 (1968).

School districts may lease busses to nonpublic schools located within the district for school related activities that would be approved school related activities offered by a public school. The cost must not exceed the costs of operating the busses. Ohio Rev. Code Ann. § 3327.13.

Public Aid for Private Schools/Private School Students: According to the Ohio Constitution, a religious sect may not control any part of the state's school funds. Ohio Const. Art. VI, Sec. 2.

State allocations paid to local school districts for chartered nonpublic schools may be used for the following purposes: 1) approved secular textbooks; 2) speech and hearing diagnostic services; 3) physician, nursing, dental, and optometric services; 4) diagnostic psychological services; 5) guidance and counseling services; 6) remedial services; 7) standardized tests and scoring services; 8) programs for handicapped and gifted children; 9) clerical personnel for the administration of programs; and 10) secular, neutral, and nonideological computer software and mathematics or science equipment and materials generally used in the public schools. Ohio Rev. Code Ann. § 3317.06.

The Superintendent of Public Instruction annually reimburses chartered nonpublic schools for actual mandated administrative and clerical costs incurred in preparing, maintaining and filing reports, forms, and records. Reimbursement will not exceed $100 per pupil enrolled in the nonpublic school. Ohio Rev. Code Ann. § 3317.063.

Nonprofit private schools eligible to participate in food service programs should apply to the State Board of Education for assistance. Ohio Rev. Code Ann. § 3313.813.

Nonpublic school students may participate in public school vocational education programs without assessment other than charges paid by public school students. Ohio Rev. Code Ann. § 3313.90.

The sale of food to students in a cafeteria maintained in a private or parochial school is exempt from sales tax. Ohio Rev. Code Ann. § 5739.02.

Miscellaneous: The State Board of Education submits annually a ten-year projection of nonpublic school enrollment, by year and by grade level, to the Governor and General Assembly. Ohio Rev. Code Ann. § 3301.07(F).

Principals of private and parochial schools must display the United States flag, not less than 5 feet in length, over, near, or within all schoolhouses when in session. Ohio Rev. Code Ann. § 3313.80.

Nonpublic school students may participate in Ohio's post-secondary enrollment options program. Nonpublic schools must provide students information about the program prior to March 1. Students must notify the nonpublic school by March 30 of their intention to participate. The chief administrator of a nonpublic school must counsel students before participation of the possible risks and consequences of participation. Students may elect to receive both college credit and high school credit. Ohio Rev. Code Ann. § 3365.02

Nonpublic school teachers, principals and administrators may use reasonable corporal punishment whenever such punishment is reasonably necessary to preserve discipline, subject to the school's own policies. Ohio Rev. Code Ann. § 3319.41.

OKLAHOMA

Private schools in Oklahoma may apply to the State Board of Education for accreditation. Okla. Stat. tit. 70, 3-104.

Registration/Licensing/Accreditation: Private and parochial schools may apply to the State Board of Education for accreditation and classification in like manner as public schools. For accreditation, private and parochial schools must comply with the standards prescribed for public schools and members of the faculty must hold state certificates as required of teachers in public schools. Okla. Stat. tit. 70, § 3-104.

Recordkeeping/Reports: Private school principals have a duty to keep complete records of attendance for all children enrolled at the school and to notify the attendance officer of the district of absences and the reasons, if known. Principals have a duty to notify parents of a student's absence unless the parent has already notified the school. Okla. Stat. tit. 70, § 10-106.

Administrators at private middle, junior high and high schools accredited by the State Department of Education must notify the Department of any pupil dropping out from school. Reports must be made on a monthly basis on forms provided. Okla. Stat. tit. 70, § 35e.

Length of School Year/Day: A school day consists of not less than 6 hours devoted to school activities for grades 2-12. Okla. Stat. tit. 70, 1-111.

Special Education: School districts may join in a written agreement with a private institution within the district to provide special education for children with disabilities. Okla. Stat. tit. 70, § 13-101.

Health: Students may not be admitted to private or parochial schools unless they present certification that they have received or are in the process of receiving immunizations against diphtheria, pertussis, tetanus, measles (rubeola), (rubella) poliomyelitis, and smallpox, or are likely to be immune as a result of the disease. The list of diseases may be revised by the State Board of Health. Okla. Stat. tit. 70, § 1210.191.

Children afflicted with contagious disease or head lice may be prohibited from attending private or parochial schools until they are well. A child excluded for head lice must present certification from a health professional that he is no longer afflicted with head lice prior to reentering school. Okla. Stat. tit. 70, § 1210.194.

Educational facilities serving grades K-12 may prohibit smoking, snuff, and chewing tobacco on the school grounds. Schools may designate smoking areas only for adults and must offer a nonsmoking area for school personnel for breaks, lunch or similar activities. Okla. Stat. tit. 63, § 1-1523.

Safety: Local law enforcement agencies will assist nonpublic schools that wish to develop voluntary fingerprinting programs for students to identify and locate missing children. Okla. Stat. tit. 10, § 1633.

Oklahoma criminal law provides enhanced penalties for individuals who distribute a controlled substance within 1,000 feet of the real property of a private elementary or secondary school. Okla. Stat. tit. 63, §§ 2-401; 2-402.

It is a criminal offense to possess a weapon on private school property or in a vehicle used for transportation of students or teachers unless authorized. Okla. Stat. tit. 21, § 1280.1.

Hazing, i.e. an activity endangering the health or safety of a student for the purpose of initiation into an organization operating subject to a private school, is illegal under Oklahoma's criminal law. A copy of a private school's policy prohibiting hazing must be given to each student enrolled. Okla. Stat. tit. 21, § 1190.

Public Aid for Private Schools/Private School Students: The Oklahoma Constitution prohibits the appropriation of public money or property for the use of a sectarian institution. Okla. Const. Art. 2, Sec. 5.

Property used exclusively for schools or for religious purposes is exempt from taxation. Okla. Const. Art. 10, Sec. 6.

Miscellaneous: Sales of tangible personal property or services to nonprofit private elementary and secondary schools accredited by the State Department of Education or recognized by the State Board of Education are exempt from Oklahoma sales tax. Tuition and educational fees, fundraising sales, and admission tickets and concessions at athletic events up to $75,000, are also exempt from sales tax. Okla. Stat. tit. 68, § 1356. Coin-operated vending machines owned and located in a private school are exempt from state tax. Okla. Stat. tit. 68, § 1503.1.

Proprietors of private and parochial schools have a duty to display the flag of the United States of America during every school day either from a flagstaff or pole, and in inclement weather within the school building. Okla. Stat. tit. 25, § 153.

By statute, a principal of a private secondary school is appointed by the Governor to serve on the Oklahoma School of Science and Mathematics Board of Trustees. Okla. Stat. tit. 70, § 1210.401.

It is a misdemeanor for any teacher to reveal information about a student obtained in his capacity as teacher, except as required in the performance of his duties or upon request by a parent/guardian. Okla. Stat. tit. 70, 6-115.

OREGON

Oregon's constitution prohibits state appropriations for the benefit of any religious institution. Ore. Const. Art. 1, Sec. 5.

Registration/Licensing/Accreditation: Private K-12 schools may, but are not required to be, registered as a private school with the Department of Education. The application for registration must demonstrate: 1) the teachers are qualified, but not necessarily licensed; 2) the owner/principal and employees are qualified by education and experience to provide instruction; 3) the facility is adequate to protect the health and safety of the children; 4) the curriculum considers the goals of modern education and the requirements of a sound, comprehensive curriculum with particular emphasis on the highest practical standards and in secondary schools establishment of academic standards necessary to attend institutions of higher education. Courses should be taught for an equivalent period of time as required for public school students. Or. Rev. Stat. § 345.525. Registration requirements are set out in detail at Or. Admin. R. 581-45-500 through 581-45-580. Representation by a private school that it is registered when it is not a registered private school is a misdemeanor. Or. Rev. Stat. § 345.990(2). Registration is renewable annually on or before October 15. Or. Admin. R. 581-45-500.

Private schools offering residential programs for children must be licensed by the Children's Services Division. The standards for licensing encompass the physical health, care, and safety of the children. The Superintendent of Public Instruction will advise on the education program conducted by the residential school. No licensing fees are charged. Or. Rev. Stat. § 418.327.

Private schools must be approved for the public placement of students for special education services. OAR 581-15-126.

Recordkeeping/Reports: Private elementary and secondary schools must transfer student progress records within ten days when notified of the student's enrollment in another school. Or. Rev. Stat. § 326.575.

Length of School Year/Day: Students attending a private or parochial school for a period equivalent to that required of children attending public schools are exempt from public school attendance. Or. Rev. Stat. § 339.030(1).

Instruction in English: Instruction in all subjects in private and parochial schools must be conducted primarily in English, except instruction in foreign languages and bilingual education for pupils whose native tongue is other than English. Or. Rev. Stat. § 336.074.

Special Education: Private schools must be approved for the public placement of students for special education services. OAR 581-15-126.

Teacher Certification: Teachers at registered private schools may demonstrate their qualifications by: 1) possessing a current teaching license; 2) teaching at least half time in the subject field in which the bachelor's degree was obtained while actively working toward an Oregon teaching certificate; or 3) possess relevant verifiable experience consistent with the educational goals of the school and the Department of Education. Or. Admin. R. 581-45-530.

Curriculum: Students being taught the courses of study usually taught in grades 1 through 12 in the public schools at a private or parochial school are exempt from public school attendance. Or. Rev. Stat. § 339.030(1).

All private schools must provide courses of instruction in the Constitution and history of the United States from grade 8 through grade 12. Or. Rev. Stat. § 336.057.

Private schools may offer courses in driver instruction. State reimbursement for costs however is provided for private school students only if they complete the course in a public school or other facility. Or. Rev. Stat. §§ 343.720; 343.730.

See **Safety**, Fire and Earthquake Instruction.

Special Education: School districts must make available special education designed to meet the needs of resident handicapped children in private schools. Such special education must not be provided in the private school. School districts must provide such children with genuine opportunities for equitable participation in special education consistent with the number of children and their needs. Or. Admin. R. 581-15-166 (1978).

Private educational agencies furnishing special education to handicapped children pursuant to a contract with a public agency must have on file with the Oregon Department of Education a plan approved for the special education programs. The plan must 1) describe the population to be served and the instructional services to be provided; 2) include a staff roster indicating name, instructional qualification, and assignment of all special education personnel employed by the private educational agency; 3) describe facilities, equipment and materials to be furnished and utilized; 4) document compliance with state and local health, fire and safety standards; and 4) meet additional minimum standards set out by regulation. Or. Admin. R. 581-15-126 (1978).

Health: Oregon recognizes immunization as a parental responsibility. Prior to admission to school, students must provide evidence of immunization as required by the Health Division or a statement that they are being reared as an adherent to a religion opposed to immunization. Or. Rev. Stat. §§ 433.240; 433.267.

Private schools may adopt more stringent requirements for measles immunization as long as medical and religious exemptions are included and the requirements comply with the United States Public Health Service Advisory Committee on Immunization Practices recommendations. Or. Rev. Stat. § 433.284.

Private schools may not permit persons under 18 to possess tobacco products while present on school grounds unless lawfully prescribed. The school must have written policies prohibiting possession and written plans to implement the policies. Or. Rev. Stat. § 339.865.

School administrators may exclude from school a child or employee suspected to be exposed to a "restrictable disease" as defined by the Health Division. Or. Rev. Stat. §§ 433.235; 433.260.

Safety: Private and parochial schools having an average daily attendance of 50 or more must provide instruction in exiting the building in an emergency and seeking shelter in case of an earthquake. Drills must be held at least once a month. Exit doors must be maintained so they can open from the inside without a key during school hours. Children in grades 1 through 8 must be instructed in fire and earthquake dangers and drills for 30 minutes in each school month. Or. Rev. Stat. § 336.072.

Any private official school employee having reasonable cause to believe that a person with whom the official comes in contact in an official capacity has suffered abuse or has abused a child shall make a report immediately to the Children's Services Division or to a law enforcement agency within the county. Or. Rev. Stat. §§ 418.740, 750, 755.

All painting or finish applied to interior combustible surfaces except floors and trim of private school buildings, must be of a fire-retardant material meeting flame spread regulations established by the State Fire Marshall. Or. Rev. Stat. § 479.140.

It is illegal in Oregon to operate a methadone clinic within 1,000 feet of the real property of a private elementary, vocational, or secondary school. Or. Rev. Stat. § 430.590.

Unless authorized by law, it is illegal to manufacture or deliver controlled substances within 1,000 feet of the real property of a private elementary, vocational, or secondary school attended by minors. Or. Rev. Stat. § 475.999.

Oregon assists and regulates traffic patrols appointed by private or parochial schools to protect pupils crossing highways on their way to school. Members must be 18 or older or have parental consent, display a "traffic patrol badge", and may display a directional sign or signal. Or. Rev. Stat. § 336.450; 470.480.

It is a criminal offense to possess a firearm in a private school building with some exceptions. Or. Rev. Stat. § 166.360; 166.370.

Private or parochial schools through secondary level with a capacity greater than 250 individuals are subject to additional building code regulations for structures vulnerable to earthquakes. Or. Rev. Stat. § 455.447.

Transportation: All children attending private or parochial schools under the compulsory school attendance laws are entitled to transportation along or near the designated routes when the district provides transportation for public school students. Or. Rev. Stat. § 332.415.

Public Aid for Private Schools/Private School Students: Oregon's constitution prohibits any state approval for the benefit of any religious institution. Ore. Const. Art. 1, Sec. 5. An early free textbook statute was struck down based on this provision in 1961. Dickman v. School District 62C, 366 P.2d 533, cert. denied, Carlson v. Dickman, 371 U.S. 823 (1962).

Miscellaneous: Church-operated parochial schools are exempt from unemployment compensation taxes. Emp. Div. v. Archdiocese of Portland, 600 P.2d. 926 (1979), but see, Salem College & Academy, Inc. v. Employment Division, 695 P.2d 25 (1985).

By statute, Oregon has a Private Elementary and Secondary School Advisory Committee to advise the State Board of Education on minimum criteria for private schools and private school registration. Six members are selected by the State Board from nominees of private school organizations and one member is a lay person not associated with private schools. Or. Rev. Stat. § 345.575.

Representatives of private and parochial schools serve on the Health Division Advisory Committee to advise on regulations to promote disease control in schools. Or. Rev. Stat. § 433.245

PENNSYLVANIA

The Pennsylvania General Assembly acknowledged in 1971 that parents who maintain students in nonpublic schools provide a vital service to the Commonwealth. They estimated that the 500,000 students enrolled in Pennsylvania's nonpublic schools would cost the state and local taxpayers an additional $1,400,000,000. if educated by the public school system. 24 Pa. Cons. Stat. § 5702.

Registration/Licensing/Accreditation: Pennsylvania mandates licensing for K-12 private academic schools, except schools owned and operated by bona fide religious institutions, schools for the blind or deaf receiving Commonwealth appropriations, or schools accredited by accrediting associations approved by the State Board of Education. However, all private schools may voluntarily choose to be licensed. The licensing requirements, enforced by the Board of Private Academic Schools, govern health and safety, teaching and administrative staff, courses of study and instructional equipment, student attendance, records, fees, transportation, advertising, conditions of the premises, procedures for school closings, and financial responsibility. 24 Pa. Cons. Stat. § 6705 et seq. 22 PA. Code §§ 51.4, .36; 51.2, .6, .34, .121-.125.

Pennsylvania's compulsory school attendance law sets out that the notarized affidavit of the principal of a day school which is operated by a bona fide church or other religious body, filed with the Department of Education and setting forth that such subjects are offered in the English language, whether it is a nonprofit organization, and that the school is otherwise in compliance with the provisions of the Compulsory School Code, is sufficient and satisfactory evidence thereof. 24 Pa. Cons. Stat. § 13-1327(b).

Recordkeeping/Reports: Private schools have an obligation to furnish district superintendents a list of the names and residences of all children between 6 and 18 enrolled in the school, to report the name and date of any pupil withdrawing, and the name of any child absent 3 days without lawful excuse. 24 Pa. Cons. Stat. § 13-1332. School administrators failing to comply with the reporting requirements may be fined. 24 Pa. Cons. Stat. § 13-1355.

Student health records maintained by private schools are confidential and may be released only when necessary for the health of the child or at the request of the parent/guardian. Records must be transferred upon request when a student relocates to another school. Private schools must not destroy a student's health records for two years after the child's enrollment, but may give them to the child's parent/guardian if the child does not re-enroll in another Pennsylvania school. 24 Pa. Cons. Stat. § 14-1409.

Length of School Year/Day: Children attending day schools operated by a religious body must attend a minimum of 180 days or 900 hours at the elementary level or 990 hours at the secondary level. 24 Pa. Cons. Stat. 13-1327(b).

Licensed K-12 private academic schools must be in session a minimum of 180 days of instruction or the equivalent clock hour requirement with prior approval of the Board of Private Academic Schools. Upon request, the Board may approve a school year containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 days, when a meritorious educational program warrants,. 22 PA. Code § 51.61.

Teacher Certification: Only teachers holding a valid Pennsylvania professional certificate issued under Chapter 49 (relating to certification of professional personnel), a private academic teaching certificate or a private academic temporary approval certificate may teach in a licensed private school. 22 PA. Code § 51.34.

Instruction in English: Instruction in the private schools must be in English and from English texts unless a foreign language is permitted by the Superintendent of Public Instruction as a part of a foreign language study or bilingual education program. 24 Pa. Cons. Stat. § 15-1511.

Discrimination: Private schools are prohibited from discriminating in enrollment based on race. 24 Pa. Cons. Stat. § 15-1521.

Curriculum: Pennsylvania's compulsory school attendance statute requires every child of compulsory school age to attend a day school in which the subjects and activities prescribed by the State Board of Education are taught in the English language. 24 Pa. Cons. Stat. § 13-1327.

Attendance at an elementary day school operated by a religious body satisfies the compulsory attendance statute if courses are taught in: English, including spelling, reading, and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art. Attendance at a secondary day school operated by a religious body satisfies the compulsory attendance statute if courses are offered in: English, including language, literature, speech and composition; science, including biology and chemistry; geography; social studies, including civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, including general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires. A principal's notarized affidavit filed with the Department of Education stating these subjects are offered in the English language by a nonprofit school and in compliance with the law, is sufficient evidence of compliance with this provision. Nothing in this provision empowers the Commonwealth and its officers to approve the course content, faculty, staff or disciplinary requirements of any religious school without its consent. Pa. Cons. Stat. § 13-1327(b).

A child enrolled in a day or boarding school accepted by an accrediting association approved by the State Board of Education is considered to have met the compulsory attendance requirement. 24 Pa. Cons. Stat. § 13-1327(c).

Private elementary schools are required to teach the following subjects: English, including spelling, reading and writing, arithmetic, geography, the history of the United States and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art. 24 Pa. Cons. Stat. § 15-1511.

Private and parochial high schools must provide during grades 7-12, four semesters in the history and government of the United States and Pennsylvania to develop an appreciation for the American republican representative form of government, the benefits of the American way of life, and the individual's duty to exercise the right to vote. 24 Pa. Cons. Stat. § 16-1605.

K-12 nonpublic school students have a right to refuse to dissect, vivisect, incubate, capture or otherwise harm or destroy animals. Nonpublic schools have a duty to notify parents and pupils of their rights 3 weeks prior to a scheduled exercise. Students who choose to opt out of the exercise must be offered an alternative education project. 24 Pa. Cons. Stat. § 15-1523.

Special Education: Pennsylvania publicly places exceptional children in approved private schools when there is no public school special education program that meets the student's needs. An exceptional child is defined as "blind or deaf, or has cerebral palsy and/or neurological impairment and/or muscular dystrophy and/or is mentally retarded and/or has a serious emotional disturbance and/or has autism/pervasive developmental disorder." Costs are shared between the local school district and the Department of Education. 24 Pa. Cons. Stat. § 13-1376. When requested, these schools must provide for administrative purposes, the names, ages, and residences of all pupils enrolled, specifying the school districts liable for part of the tuition and maintenance and the per capita cost of and maintenance of pupils to the Department of Education,. 24 Pa. Cons. Stat. § 13-1377.

Health: Private and parochial school administrators have a duty to ensure that every student is immunized against diseases as directed by the Secretary of Health prior to admission to school. Certificates of immunization must be issued in accordance with regulations promulgated by the Secretary of Health. 24 Pa. Cons. Stat. § 13-1303a.

The Pennsylvania General Assembly has determined that speech and hearing correctional services are health services. The Secretary of Education has a duty to furnish these services free to nonpublic school students on the grounds of the school, provided that the services are also afforded to public school students. 24 Pa. Cons. Stat. § 9-971A. Similarly, the General Assembly has determined diagnostic and evaluative psychological services and visual services are health services that must be afforded to nonpublic school students on the premises of the nonpublic school, provided that the services are also afforded to public school students. 24 Pa. Cons. Stat. § 9-973.1, 2.

The State Advisory Health Board regulates the prevention and control of disease in private schools. 35 Pa. Cons. Stat. 521.2. Local county/city health officers are charged with notifying public, parochial and other school teachers and administrators of the need to exclude children who are suffering from,

or residing with persons suffering from, communicable diseases and to make sanitary inspections. 16 Pa. Cons. Stat. § 2190; 53 Pa. Cons. Stat. § 37306.

Nonpublic schools may access educational materials on the nature and effects of drugs, alcohol, tobacco and dangerous controlled substances through the intermediate units. Nonpublic school employees may also attend the in-service training programs on these topics provided by the intermediate units. 24 Pa. Cons. Stat. § 15-1547.

The Pennsylvania legislature intended that nonpublic school students benefit from drug and alcohol abuse programs piloted by the state. 24 Pa. con. Stat. 5311 et seq.

Nonpublic school employees are immune from civil liability for negligent statements, acts or omissions relating to student drug or alcohol abuse made in good faith in the scope of their official duty. 42 Pa. Cons. Stat. § 8337.

Safety: Administrators of private schools have a duty to provide instruction and training in the proper procedures to exit school buildings in an emergency without confusion or panic. Drills must be conducted at least once a month when the schools are in session. The Superintendent of Public Instruction has a duty to prepare instruction books on the dangers of fire and the prevention of fire waste. The books are published at the expense of the State and distributed in sufficient quantities for the use of teachers. All schools are required to provide some regular instruction in the dangers of fire and the prevention of fire waste during the school year. 24 Pa. Cons. Stat. § 15-1518.

It is a misdemeanor to carry a weapon, i.e. an instrument capable of inflicting serious bodily injury, e.g. a knife, cutting instrument, cutting tool, nunchuck stick, firearm, shotgun, or rifle, on the grounds or in transport to a licensed elementary or secondary private school or parochial school. 18 Pa. Cons. Stat. § 912.

An attempt to intentionally cause bodily injury to a teaching staff member, school board member, employee or student of any licensed elementary or secondary private school or parochial school while the person is acting within the scope of his/her employment is an aggravated assault and a felony of the second degree. 18 Pa. Cons. Stat. § 2702.

The sale of a controlled substance to a minor within 1000 feet of a private or parochial school brings an additional minimum sentence of at least two years confinement. 18 Pa. Cons. Stat. § 6314.

Fire extinguishers containing carbon tetrachloride are illegal when used in private, parochial school buildings or buses used to transport school children. School administrators permitting their use are guilty of a summary offense. 18 Pa. Cons. Stat. § 7304.

Private school administrators must require applicants for positions with direct contact with children to produce with their applications a criminal history report from the Pennsylvania State Police. Persons convicted within 5 years of certain crimes specified by statute, are ineligible for employment with some exceptions. 24 Pa. Cons. Stat. §1-111.

Industrial quality eye protective devices are required for teachers, students, and visitors at private schools when engaged in dangerous activities, e.g. the use of hot liquids, solids or gases; milling, sawing, turning, or grinding of solid materials; and, repairing or servicing vehicles. 24 Pa. Cons. Stat. § 5301.

Permits for new municipal waste landfills, commercial residual waste treatment facilities or resource recovery facilities will not be issued for property located within 300 yards of a building owned by a parochial school and used for instructional purposes. 53 Pa. Cons. Stat. § 4000.511

Transportation: Local school boards that provide transportation for public school students to school and on field trips must provide identical transportation services for nonpublic school students. Transportation must be provided when the nonpublic school is in session as determined by the directors of the nonpublic school. Local school districts are currently paid by the Commonwealth $159 per student transported. 24 Pa. Cons. Stat. § 13-1361; 21-2114; 25-2509.3.

School buses owned by or under contract with a parochial or private school must conform with standards governing design, construction, equipment and operation. 75 Pa. Cons. Stat. § 4551.

School bus drivers must complete basic and refresher training courses with the costs borne by the school district or private or parochial school for which the drivers operate. 75 Pa. Cons. Stat. 1509(C).

Private schools must ensure that every student is familiar with school bus emergency procedures and equipment and safe loading and unloading operations. The school must conduct a minimum of two actual drills each year. 75 Pa. Cons. Stat. § 4552.

Motor vehicles bearing school bus or school vehicle registration plates must be used exclusively for the transportation of children and their chaperons to the private, parochial, Sunday school or related activity. The local school district adopts regulations governing the number of chaperons necessary. When the school bus is being used for other purposes, the words "school bus" on the front and rear should be concealed and the red and amber visual signals not operated. 75 Pa. Cons. Stat. § 1343.

Public Aid for Private Schools/Private School Students: The Pennsylvania Constitution prohibits any appropriation of money raised for the public schools to a sectarian school. Pennsylvania Const. Art. 3, Sec. 15. In addition, appropriations to educational institutions not under the absolute control of the Commonwealth, other than teacher training schools, are prohibited unless passed by two-thirds of all the members elected to each House. Pennsylvania Const. Art. 3, Sec. 30.

Under Pennsylvania law, the Secretary of Education has a duty to loan textbooks and instructional materials at no cost to children enrolled in K-12 nonpublic schools. The Secretary is not required to spend an amount in excess of $20 for textbooks and $10 for instructional materials per student. 24 Pa. Cons. Stat. § 9-973.

Pennsylvania provides nonpublic students remedial programs in reading and mathematics through the intermediate units. State funds are distributed to the intermediate units on behalf of the nonpublic school students. Funds are appropriated based on the annual application submitted by the intermediate units. 24 Pa. Cons. Stat. § 15-1511.1.

Private school students are entitled to auxiliary services through the intermediate unit on an equal basis with public school students. Auxiliary services include but are not limited to: guidance; counseling and testing services; psychological services; visual services; services for exceptional children; remedial services; speech and hearing services; services for the improvement of the educationally disadvantaged. Services may not be provided in a church or facility under the control of a sectarian school. 24 Pa. Cons. Stat. § 9-972.1.

Nonpublic school students may borrow computer hardware and software from the Regional Computer Resource Centers at no cost. 27 Pa. Cons. Stat. § 6005, 6006.

Pennsylvania's Parent Reimbursement for Nonpublic Education Program whereby parents could receive reimbursement for a child's private education was ruled unconstitutional. The Supreme Court determined that the program had the primary effect of advancing religion in violation of the Establishment Clause. Sloan v. Lemon, 413 U.S. 825 (1973).

Miscellaneous: Private schools must display the United States flag, not less than three feet in length, in all school buildings during each day that schools are in session. In addition, the schools must provide instruction to develop allegiance to the flag and to promote a clear understanding of the American way of life. 24 Pa. Cons. Stat. §7-771.

Private schools may join the Pennsylvania Interscholastic Athletic Association for athletic competition. 24 Pa. Cons. Stat. § 5-511(b.1).

Private and parochial school organizations that promote extracurricular activities may sponsor small games of chance for the purpose of raising funds for public interest purposes. The organizations must be recognized by the governing body of the private or parochial school. The games are strictly regulated by the state. 10 Pa. Cons. Stat. § 312 et seq.

Private school guidance counselors, nurses, psychologists or clerical workers working for a guidance counselor, will not be compelled to disclose information during any legal proceeding or investigation that was obtained from a student without the student's consent if over 18 or without the parent's consent if the student is under 18. 42 Pa. Cons. Stat. § 5945.

Parochial, private and nonpublic schools have the option of providing armed forces recruiters a list of prospective graduating seniors for recruitment purposes. Costs incurred by a nonpublic school are reimbursed by the armed forces recruiters. 51 Pa. Cons. Stat. § 20221 et seq.

No street may be laid out and opened through any grounds occupied by a building as a parochial school or educational institution unless the owner consents. 53 Pa. Cons. Stat. § 57006; 66101.

No property used for a parochial school or educational institution can be taken by a township for the purpose of extending the system of water distribution or to erect public buildings. 53 Pa. Cons. Stat. § 57703; 57803.

The Department of Education maintains a directory of private academic schools that is available to the public. 24 Pa. Cons. Stat. § 6711.

PUERTO RICO

Puerto Rico's Constitution prohibits the appropriation of public funds for schools other than Commonwealth schools; but, expressly provides that this mandate does not prevent the Commonwealth from extending noneducational services for the protection or welfare of children. Puerto Rico Const. Art. II, § 5.

Registration/Licensing/Accreditation: Under the Organic Act of the Department of Education of 1990, the General Council of Education has the power to issue licenses and authorize the establishment and operation of elementary and secondary educational institutions and to accredit public and private schools. Accreditation by the General Council on Education is optional for private schools. 1990 P.R. Laws 68 § 5, 6.

Licensing standards include the following minimum requirements: 1) a permit for use of the physical plant; 2) faculty with the necessary educational preparation and experience; 3) facilities, equipment, library and laboratory services in the proportion compatible with the objectives and nature of the institution; 4) an educational plan and the ways and means to implement it; 5) permits to protect the health and safety of the students; 6) an economic viability study; 7) a copy of the institutional regulations regarding academic matters, student affairs, administrative and fiscal matters; and, 8) address information for the institution, Board of Directors and chief officials.

Accredited elementary and secondary private schools must meet public education minimum requirements for academic work, administrative procedures, and physical plant and school equipment facilities. P.R. Laws Ann. tit. 18, § 57.

Licensing is compulsory for all private educational institutions at the elementary and secondary levels. Minimum requirements for licensing include: 1) teacher certification or provisional certification issued by the Secretary; 2) facilities, equipment, library and laboratory services compatible with the school's objectives; 3) an educational plan and the means to implement the plan; and, 4) an economic viability study that shows the institution can reasonably comply with its commitments. Licenses must be renewed every four years. Schools submitting evidence of accreditation will have their licenses automatically renewed. P.R. Laws Ann. tit. 18, § 2111, 2113, 2119, 2120.

Recordkeeping/Reports: The principal/teacher of a private school must report the names of students under 16 who are absent for a week of school for employment purposes to the Secretary of Labor and Human Resources. P.R. Laws Ann. tit. 29, § 452. The General Council on Education may waive the responsibility to keep minors under 18 in school if parents present proof that their children are currently employed or studying in a recognized educational institution. P.R. Laws Ann. tit. 3, § 397 F(19).

Length of School Year/Day: Puerto Rico's compulsory school attendance law requires private school students to regularly attend school during the period of each year the public schools are in session, on the customary days and during the regular hours of the school term. P.R. Laws Ann. tit. 29, § 450.

Teacher Certification: Teachers in accredited private schools must hold a current teacher's certificate appertaining to their position. P.R. Laws Ann. tit. 18, § 266. Teachers in licensed private schools must hold a current teacher's certificate or obtain a provisional certificate from the Secretary of Education. Provisional certificates may be issued if the school shows the faculty member has the necessary academic degree or proper professional experience compatible with the practice and standards prevailing in the academic community, or holds a Master's degree, or PhD. in the academic field. P.R. Laws Ann. tit. 18, § 2113(b).

Curriculum: Accredited elementary and secondary private schools must meet public education minimum requirements for academic work. P.R. Laws Ann. tit. 18, § 57.

Special Education: The Secretary of Social Services is empowered to contract with private schools for the care and teaching of deaf-mute children provided the school can serve a minimum of 60 students. P.R. Laws Ann. tit. 18, § 1043.

Health: Students are required to have the proper immunizations in order to be admitted or enrolled in school. P.R. Laws Ann. tit. 24, § 182 et seq.

Safety: Puerto Rico imposes a fixed term of 15 years imprisonment for burglary when committed in any private, elementary, junior, or senior high school. P.R. Laws Ann. tit. 33, § 4277.

Any person who knowingly and intentionally distributes or possesses a controlled substance in a private school or in its surroundings is guilty of a felony and will be punished twice the penalties for a first offense, and three times the penalties for subsequent offenses. P.R. Laws Ann. tit. 24, § 2411a.

The Secretary of the Treasury may deny a license to sell alcoholic beverages at retail from premises less than 25 meters from a private school. P.R. Laws Ann. tit. 13, § 6080.

Establishments providing access to coin- or token-operated electronic games, pinball machines, or lotteries may not be located within 200 meters from a private school. P.R. Laws Ann. tit. 15, § 701; 809.

Any person who enters the building or grounds of an elementary, junior or senior high school without permission of the Director or person in charge, his substitute, or official or employee of a higher rank, or who remains within said institution after being ordered to leave, shall incur in a misdemeanor. P.R. Laws Ann. tit. 33, § 2091.

Public Aid for Private Schools/Private School Students: Puerto Rico's Constitution prohibits the appropriation of public funds for schools other than Commonwealth schools; but, the Constitution expressly provides that this mandate does not prevent the Commonwealth from extending noneducational services for the protection or welfare of children. Puerto Rico Const. Art. II, § 5. P.R. Laws Ann. tit. 18, § 3.

Puerto Rico statutory law ensures that no person can be required to support any ministry, religious sect or denomination against his consent. P.R. Laws Ann. tit. 1, § 9.

Puerto Rico's Special Scholarship and Free Selection of Schools Program allows low-income families (less than $18,000) to use school scholarships of $1500 for their children's education at the private school of their choice. Vouchers apply to grades 2-12. Participating private schools must: 1) be licensed or accredited by recognized accrediting institutions in Puerto Rico; 2) have a nondiscriminatory admission policy based on race, sex, color, social origin or condition, physical impediments, political or religious beliefs; 3) comply with health and safety legislation and regulations; 4) submit biannual reports on the academic achievement of students. Scholarship funds go directly to the parent/guardian and are submitted to the individual private school. The private school directors then redeem the scholarships at the program office by submitting the scholarships together with invoices for enrollment fees, books, supplies and other similar expenses. The enrollment of voucher recipients in participating private schools is limited to 50 percent. The Comptroller's Office is authorized to audit records to verify resources have been used in accordance with the Act. 1993 P.R. Laws 71.

Teachers and pupils of private schools may buy at cost any teaching materials produced by the Department of Education. P.R. Laws Ann. tit. 18, § 48.

Miscellaneous: Private school teachers and support staff, including parochial school teachers and support staff, are protected by Puerto Rico's minimum wage provision. P.R. Laws Ann. tit. 29, § 245; Luis Cardenal Aponte Martinez, et al v. Miguel Guardiola and Ferdinand Ferrer, et al., 628 F. Supp. 1173 (D.C.P.R. 1985).

An attempt to inspect a Catholic school's internal records by the Puerto Rico Department of Consumer Affairs was found unconstitutional. In an effort to restrain inflationary trends and establish price controls, the Department sought to review annual budgets, sources of finances, costs of transportation, etc. The First Circuit declared the practice an impermissible burden on the free exercise of religion and threat of entanglement between the affairs of church and state. Bishop Ricardo Surinach etc,. et al., v. Carmen T. Pesquera de Busquets, 604 F.2d 73 (1st. Cir. 1979).

The Department of Education is directed to coordinate with private schools in its plans to celebrate "Renowned Puerto Rican Statesmen's Day" on April 18th of each year. P.R. Laws Ann. tit. 1, § 150j.

The Secretary of the Treasury is authorized to distribute copies of existing consumer protection legislation and regulations, free of charge, to private schools. P.R. Laws Ann. tit. 3, § 341e.

Use of a loudspeaker near a private school during school hours in a manner that disturbs the normal functioning of the school is a misdemeanor. P.R. Laws Ann. tit. 18, § 128.

Accredited private schools may serve as practice centers for students serving internships prior to certification. P.R. Laws Ann. tit. 18, §§ 471, 472.

RHODE ISLAND

Private schools in Rhode Island must be approved by the school committee. R.I. Gen. Laws § 16-29-8.

Registration/Licensing/Accreditation: Attendance at private schools satisfies Rhode Island's compulsory attendance law if the private school is approved by the school committee. R.I. Gen. Laws §§ 16-29-8, 16-19-1. Rhode Island approves private schools that comply with the following requirements: 1) the period of attendance is substantially equal to that required in public schools; 2) registers of attendance are kept and returned to the school committee, superintendent of schools, truant officers, and the Department of Elementary and Secondary Education; 3) instruction is provided in reading, writing, geography, arithmetic, the history of the United States and Rhode Island, and the principles of American government are taught in the English language substantially to the same extent as required in the public schools; 4) the teaching of the English language and other subjects is thorough and efficient, provided instruction may occur in any other language in addition to English; 5) instruction is provided in the principles of popular and representative government under the Rhode Island and United States constitutions; and 6) instruction in health and physical education similar to that required in public schools is provided. The commissioner will grant a hearing to private schools that are denied approval. On appeal, the decision of the Board of Regents is final. R.I. Gen. Laws §§ 16-19-2, 16-22-2, 16-22-4, 16-60-4 (10).

Recordkeeping/Reports: Private school teachers must keep a register of the names of all students, their sex and age, names of parents or guardians, the time when each student enters and leaves the school, and their daily attendance. Private schools are obligated to prepare reports required by the school committee or Department of Elementary and Secondary Education. R.I. Gen. Laws § 16-12-4.

Length of School Year/Day: The period of attendance for private schools must be substantially equal to that required in public schools. R.I. Gen. Laws §§ 16-19-2.

Instruction in English: Approved private schools must provide instruction in the English language, provided instruction may occur in any other language in addition to English. R.I. Gen. Laws § 16-19-2.

Curriculum: Approved private schools must provide curriculum in reading; writing; geography; arithmetic; the history of the United States and Rhode Island; the principles of American government in the English language substantially to the same extent as required in the public schools; thorough and efficient instruction in the English language and other subjects, provided instruction may occur in any other language in addition to English; and, instruction in health and physical education similar to that required in public schools. Approved private schools must also provide instruction in the principles of

popular and representative government as enunciated in the Constitution of Rhode Island and the United States substantially equivalent to that required for public schools. R.I. Gen. Laws §§ 16-19-2, 16-22-2, 16-22-4.

Health: Students entering private schools must furnish evidence of immunization as prescribed by regulation of the Director of Health and the Commissioner of Elementary and Secondary Education, or a certificate from a licensed physician stating the student is not a fit subject for immunization for medical reasons or a certificate signed by the parent/guardian stating that immunization is contrary to their beliefs. R.I. Gen. Laws § 16-38-2.

Safety: Private schools must comply with building code standards established by the state building code standards committee. By August 1 of each year, the local fire chief, local building inspector, the director of the State Department of Health and the director of the State Labor Department must determine and notify the private schools as to whether the schools conform to state law and regulation. Private school officials must ensure that schools are not opened until notification is received; neglect is a misdemeanor punishable by a fine not exceeding $500. R.I. Gen. Laws §§ 16-21-3, 3.1.

Private schools having more than 25 pupils must instruct and train the pupils by means of drills to leave school buildings in an emergency in the shortest possible time and without confusion or panic. Fifteen drills are required annually, at least 8 held during September, October, and November. At least 4 drills must be obstructed, i.e. at least 1 or more exits and stairways blocked; 2 of the obstructed drills must be held during September and October. Neglect by a private school to comply is a misdemeanor punishable by a fine not exceeding $500. R.I. Gen. Laws § 16-21-4.

Private schools must provide students, teachers, and visitors, approved eye protective devices for specified vocational or industrial arts classes and chemical laboratory classes. Students and teachers are required to wear protective devices at all times while participating in the courses. R.I. Gen. Laws § 16-21-15.

Retail licenses to sell alcoholic beverages are restricted in areas within 200 feet of any private or parochial K-12 school. R.I. Gen. Laws § 3-7-19.

Willful disturbance of a private school is a criminal offense punishable by imprisonment not exceeding one year or a fine not exceeding $500. R.I. Gen. Laws § 11-11-1.

It is a criminal offense to wilfully trespass on private school property after being suspended from attendance or forbidden by a police officer, guard or school official, punishable by incremental fines for repeated offenses. R.I. Gen. Laws § 11-44-26.1.

Possession of a firearm on private school grounds, except for educational purposes, is a criminal offense punishable by imprisonment for not less than one year nor more than five years, or a fine not less than $500 nor more than $5,000. R.I. Gen. Laws § 11-47-60.

Transportation: School committees must provide transportation to and from school for elementary and high school pupils attending private schools if the pupil resides so far from the school as to make the pupil's attendance impractical, or if a student's physical disability or infirmity would make attendance impracticable. Private schools operated for profit are not eligible. R.I. Gen. Laws §§ 16-21-1, 1-1, 1-2. As long as eligibility is determined by the same criterion for public and parochial school students and the relative costs remain roughly proportional, the provision of transportation does not advance religion and is constitutional. Jamestown School Comm. v. Schmidt, 699 F.2d 1 (1st Cir.), cert. denied, 464 U.S. 851 (1983).

Public Aid for Private Schools/Private School Students: Private schools may participate in the federally funded school lunch program operated in the state. R.I. Gen. Laws § 16-8-7 et seq.

Rhode Island loans textbooks free of charge to all pupils of elementary and secondary schools including private schools. This provision withstood a constitutional challenge under both the Rhode Island and United States constitutions in Bowerman v. O'Connor, 247 A.2d 82 (1968).

Miscellaneous: Whenever a K-9 pupil fails to report to school and no indication has been received by the private school that the pupil's parent/guardian is aware of the pupil's absence, the school must make a reasonable effort to notify the parents of the child's absence. School personnel or volunteers organized for this purpose are immune from any civil or criminal liability in connection with the notice to parents. R.I. Gen. Laws § 16-19-10.

Private schools that provide multiple kindergarten sessions must make every effort to give written notice to parents which session their child has been placed 30 days before the start of the school year. R.I. Gen. Laws § 16-2-28.2.

The Secretary of State submits to the Board of Regents for Elementary and Secondary Education all amendments to charters or articles of incorporation of existing corporations that add educational functions for the Board's approval. R.I. Gen. Laws § 16-40-3.

By statute, the Best and Brightest Scholarship Fund includes two parents of public or private school students on the nine-member scholarship committee. R.I. Gen. Laws § 16-37-3.

SOUTH CAROLINA

South Carolina defines "private school" as a school primarily supported by other than public funds and operated by other than publicly elected or appointed officials. S.C. Code Ann. § 59-1-110.

Registration/Licensing/Accreditation: Attendance at a nonsectarian private school satisfies South Carolina's compulsory school attendance statute if the school has been approved by the State Board of Education or is a member school of the South Carolina Independent School Association or a similar organization. Parochial, denominational, and church-related schools are exempt from the approval requirement. S.C. Code Ann. § 59-65-10(A). The Attorney General has determined that the State Board of Education has authority to establish minimum standards for private school approval under the Compulsory School Attendance Act. 1967-68 Ops. Att'y Gen., No. 2585, p. 291.

Recordkeeping/Reports: Private schools must report annually to the local superintendent of education the following information: 1) the number of students receiving instruction; 2) the number of students in regular attendance; 3) the number of teachers employed; and 4) such other facts demonstrating the amount of educational work actually done in the private school. A private school failing to file the information within two weeks after the close of the regular session is subject to a fine not more than $25. S.C. Code Ann. § 59-13-130.

Discrimination: South Carolina publicly places handicapped students in private schools provided the school accepts children into the program regardless of color, race, sex, or religion. S.C. Code Ann. § 59-33-50.

Special Education: Handicapped students are publicly placed in private schools that maintain approved special education facilities if the school district cannot provide an appropriate education. S.C. Code Ann. § 59-33-50.

All private school administrators must report the names of visually handicapped students to the Commission for the Blind. The Commission may provide itinerant teachers to assist private school teachers who are responsible for teaching visually handicapped children. S.C. Code Ann. § 43-25-60.

Health: The Department of Health and Environmental Control has the authority to inspect private school lunchrooms and sanitary facilities. 1982 Op. Atty. Gen., No. 82-10, p. 12.

Potential staff members of a private school must be evaluated for tuberculosis prior to hiring. Applicants must present a health certificate certifying that they do not have tuberculosis in an active stage as a prerequisite to employment. S.C. Code Ann. § 44-29-150, 160.

Safety: The distribution of a controlled substance within a radius of one-half mile of a private elementary, middle, or secondary school is a criminal offense and punishable by fine and/or imprisonment. S.C. Code Ann. § 44-53-445.

Transportation: School buses owned and operated by private schools or under contract for a private school must conform to state laws and regulations of the State Board of Education. Buses failing to comply with the laws and regulations must be painted a color other than yellow and are not entitled to the privileges and protection of a school bus operating on the highways. S.C. Code Ann. § 59-67-40.

Public Aid for Private Schools/Private School Students: The South Carolina Constitution prohibits public appropriations for the direct benefit of any religious or private educational institution. S.C. Const. Art. 11, sec. 4.

The South Carolina Constitution exempts private schools from property taxes except where profits are applied to private use. S.C. Const. Art. 10, § 3.

Miscellaneous: The clerk of the House of Representatives may distribute the legislative manual to private schools without charge. S.C. Code Ann. § 2-1-130.

SOUTH DAKOTA

South Dakota provides extensive guidelines for curriculum offered in nonpublic schools.

Registration/Licensing/Accreditation: All nonpublic instruction offered in lieu of public schools must meet minimum state accreditation standards and be approved by the Secretary of Education and Cultural Affairs. S.D. Codified Laws Ann. § 13-4-1. The South Dakota Board of Education is authorized to establish standards for the classification and accreditation of all nonpublic schools. S.D. Codified Laws Ann. § 13-1-12(1). The Secretary is responsible for the classification and accreditation under the rules established by the Board. S.D. Codified Laws Ann. § 13-3-47.

Nonaccredited nonpublic schools may operate as "alternative education programs." The schools must provide instruction in the basic skills of language arts and mathematics for an equivalent period of time as in the public schools. The Secretary of the Department of Education and Cultural Affairs may investigate and determine whether the instruction is being provided. S.D. Codified Laws Ann. § 13-27-3.

Recordkeeping/Reports: Nonpublic schools must make attendance reports to the Secretary of Education and Cultural Affairs as required of public schools. S.D. Codified Laws Ann. § 13-4-2. Failure to make the reports is a petty offense. S.D. Codified Laws Ann. § 13-4-4. Failure to make the reports is sufficient grounds to revoke a teacher's certificate. S.D. Codified Laws Ann. § 13-4-5.

A person enrolling a student in a nonpublic school must submit a certified copy of a birth certificate or an affidavit issued by the Department of Health within 30 days of enrollment. S.D. Codified Laws Ann. § 13-27-3.1. The superintendent of any nonpublic school must regularly report to the state's attorney the name and address of any child who has not presented a certified copy of a birth certificate. S.D. Codified Laws Ann. § 13-27-3.3.

The Secretary of the Department of Education and Cultural Affairs may inspect the attendance records and evidence showing academic progress for an alternative education program if he has probable cause to believe the program is not in compliance. Fourteen days written notice must be given. S.D. Codified Laws Ann. § 13-27-3.

Length of School Year/Day: Under the compulsory attendance statute, students attending nonpublic schools must attend for the entire term during which the public school in the district is in session. S.D. Codified Laws Ann. § 13-27-1. Nonpublic schools may begin school before the first Tuesday following the first Monday in September, without loss of accreditation. S.D. Codified Laws Ann. § 13-26-2.2. A school day is at least 5 1/2 hours exclusive of intermissions. S.D. Codified Laws Ann. 13-26-1. A school term must consist of 175 days. S.D. Codified Laws Ann. § 13-26-2. Actual school terms are established by the local school boards, but may not be less than 962 1/2 hours. S.D. Codified Laws Ann. § 13-26-2.1.

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Instruction in English: Instruction in any school must promote a mastery of the English language in oral and written communications. S.D. Codified Laws Ann. § 13-33-11.

Discrimination: South Dakota prohibits discrimination in private educational institutions based on race, color, creed, religion, sex, ancestry, disability or national origin. Segregation by sex in athletic activities does not constitute discrimination if the opportunity to participate in athletic activities offered by the institution is substantially equal for both sexes. Bona fide religious institutions which have a qualification based on religion are exempt if the qualification is related to a bona fide religious purpose. S.D. Codified Laws Ann. §§ 20-13-1; 20-13-22.

Teacher Certification: The South Dakota Board of Education is authorized to establish standards for staff requirements for all nonpublic schools. S.D. Codified Laws Ann. § 13-1-12(3). No person may teach in any nonpublic school the courses prescribed to be taught in the public schools unless the person holds a certificate entitling him to teach the course in the public schools. S.D. Codified Laws Ann. § 13-42-2. By statute, one member of the 12-member South Dakota Advisory Council on Certification must be an active nonpublic school classroom teacher. S.D. Codified Laws Ann. § 13-42-23.

Instructors at nonaccredited nonpublic schools operating as "alternative education programs" are not required to be certified. S.D. Codified Laws Ann. § 13-27-3.

Elementary, secondary and vocational teachers may attend undergraduate and graduate courses at state institutions for 50% of the tuition costs. Certain requirements apply including: 1) courses must be a condition of employment or necessary to maintain a certificate to teach; 2) space must be available; 3) the teacher must be a resident of the state and employed by an accredited school as a teacher; and 4) the teacher must maintain an average academic grade of 3.0. The maximum credit hours for reduced tuition is 6 per year. S.D. Codified Laws Ann. §§ 13-42-23 - 13-42-28.

Curriculum: The South Dakota Board of Education is authorized to establish standards for minimum curriculum requirements for all nonpublic schools. S.D. Codified Laws Ann. § 13-1-12(3). The Secretary of Education and Cultural Affairs exercises supervision over nonpublic schools and the instruction offered. He may exercise his right of visitation and inspection. S.D. Codified Laws Ann. § 13-4-1.

All nonpublic schools must provide regular courses in the Constitution of the United States and the state of South Dakota beginning not later than the eighth grade and continuing through high school as determined by the South Dakota Board of Education. S.D. Codified Laws Ann. § 13-33-4.

Special instruction must be given in all nonpublic elementary and secondary schools in patriotism, including patriotic songs, patriotic addresses, and a study of the lives and history of American patriots. S.D. Codified Laws Ann. § 13-33-5.

Moral and character instruction must be given in all nonpublic elementary and secondary schools that is intended to impress upon the minds of students the importance of truthfulness, temperance, purity, sexual abstinence, AIDS instruction, public spirit, patriotism, citizenship, respect for honest labor, obedience to parents, respect for the contributions of minority and ethnic groups to the heritage of South Dakota and due deference to old age. The South Dakota Board of Education is charged with promulgating rules to prescribe such a course of study. S.D. Codified Laws Ann. § 13-33-6.

Nonpublic schools must provide instruction on the essentials and benefits of the free enterprise system in accordance with guidelines prescribed by the South Dakota Board of Education. S.D. Codified Laws Ann. § 13-33-12.

Nonpublic schools must provide instruction in recycling, source and volume reduction of solid waste and related environmental issues associated with solid waste, hazardous waste and radioactive waste. S.D. Codified Laws Ann. § 13-33-18.

Nonaccredited nonpublic schools operating as "alternative education programs" must provide instruction in the basic skills of language arts and mathematics for an equivalent period of time as in the public schools. Children in attendance must annually take a nationally standardized achievement test (basic skills) that is currently used in the public school district where the child is instructed. S.D. Codified Laws Ann. § 13-27-3.

Special Education: South Dakota will pay the special education tuition, special education auxiliary services and pupil transportation costs for a child residing in a foster home if the child is assigned to an approved nonpublic special education program. S.D. Codified Laws Ann. § 13-28-11.1.

Health: The governing body of a nonpublic school is under a duty to provide sanitary facilities and a supply of water suitable for drinking; to maintain sanitary conditions; and to install electrical services, adequate lighting and a telephone unless operating for less than one school term. S.D. Codified Laws Ann. § 13-24-16.

Any pupil entering school must present prior to admission certification from a licensed physician that the child has 1) has been tested for tuberculosis and is free from a contagious form of tuberculosis; and 2) has received or is in the process of receiving adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps and tetanus, according to recommendations provided by the Department of Health. In the alternative, students may present 1) certification by a licensed physician stating that a test or immunization would endanger the child's life or health; 2) a written statement by a parent/guardian that the child is an adherent to a religious doctrine opposed to the test or immunization; or 3) a written statement by a parent/guardian requesting that the local health department give the test and immunization because the parent/guardian lacks the means to pay for the test or immunization. S.D. Codified Laws Ann. § 13-28-7.1.

Nonpublic school employees, who are in regular contact with, pupils must submit a certification of health within 10 days after being employed. The certification must include a statement that there is no

evidence of a physical condition that would endanger the health, safety or welfare of the pupils, including tuberculosis. S.D. Codified Laws Ann. § 13-43-3.

Safety: Nonpublic schools must be constructed, equipped, operated and maintained in a safe condition with respect to type of construction and materials used, fireproofing, the number and types of ways of egress, aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors and doorways, shaft ways and other vertical openings, fire alarm systems, electrical equipment, flammable and explosive materials, heating systems and fuel storage, numbers of occupants, ventilation, and all other emergency protection. S.D. Codified Laws Ann. § 13-25-1. The Division of Commercial Inspection and Regulations may inspect all school buildings operated as a part of a school. S.D. Codified Laws Ann. § 13-25-3.

Any person who has contact with children while serving at a private school and suspects child abuse or neglect must notify the school principal. S.D. Codified Laws Ann. § 26-8A-7. The school principal must report the information orally and immediately to the state's attorney of the county, the Department of Social Services, or to law enforcement officers. S.D. Codified Laws Ann. § 26-8A-8.

Administrators of nonpublic schools must provide industrial eye protective devices for pupils, teachers and visitors in specified vocational, industrial arts, and chemical classrooms and laboratories. S.D. Codified Laws Ann. § 13-24-18.3.

Criminal conduct involving controlled substances and marijuana that occur within 500 feet of a private elementary or secondary school is a felony punishable by a minimum sentence of 5 years. S.D. Codified Laws Ann. § 22-42-19.

Nonpublic or parochial schools may develop a fingerprinting program for students. The program must ensure that: 1) participation is voluntary; 2) the program is executed with parental consent; 3) the program is operated under the supervision of local law enforcement agencies; 4) all completed fingerprint forms are given to the parents and 5) no school maintains a copy of the completed fingerprint forms. S.D. Codified Laws Ann. §§ 26-15-1; 26-15-2.

Transportation: School buses used for transportation of school children owned by a nonpublic school or operated under contract with a nonpublic school must be inspected annually by the Division of Highway Patrol. A certificate will be issued if the bus meets state standards and must be displayed in the vehicle above the windshield. Failure to comply with this provision is a petty offense. S.D. Codified Laws Ann. § 13-29-6.

Public Aid for Private Schools/Private School Students: Property owned by any educational institution as an accredited or approved school is exempt from taxation. S.D. Codified Laws Ann. § 10-4-13.

Religious educational institutions and nonprofit private educational institutions are exempt from retail sales and service taxes. S.D. Codified Laws Ann. § 10-45-14.

The Secretary of Education and Cultural Affairs is authorized to enter into contracts with United States agencies to administer programs for the distribution of surplus commodities to schools and other recipients. S.D. Codified Laws Ann. § 13-14-2.

Miscellaneous: Nonpublic schools are subject to the same legal age provisions applicable to public schools. The minimum age for enrollment in first grade is 6 yrs. old by September 1st. S.D. Codified Laws Ann. §§ 13-28-2; 13-28-4.

Employment at an elementary or secondary school is exempt from coverage under South Dakota's unemployment compensation provisions. S.D. Codified Laws Ann. § 61-1-10.4(a)(3).

South Dakota includes private school students in the school district's average daily membership to calculate the apportionment among school districts of the school fund income. S.D. Codified Laws Ann. §§ 13-13-1; 13-13-2.

The intentional disturbance of a nonpublic school when in session is a misdemeanor. S.D. Codified Laws Ann. § 13-26-6.

Approved and accredited nonpublic schools may delegate, on a year to year basis, the control of interscholastic activities to any voluntary and nonprofit association, provided the membership is open to all approved and accredited high schools and that the constitution, bylaws, and rules of the association are subject to the ratification by the member schools. S.D. Codified Laws Ann. § 13-36-4. Parochial school's use of public school facilities does not constitute "aid to sectarian school." South Dakota High School Interscholastic Activities Assn. v. St. Mary's Inter-Parochial High School of Salem, 247 NW 2d 481 (1976).

By statute, one member of South Dakota's 14-member advisory council on certification of teachers is an active nonpublic school classroom teacher. S.D. Codified Laws Ann. § 13-42-23.

TENNESSEE

Tennessee's State Board of Education and local boards of education are prohibited from regulating the selection of faculty or textbooks or the establishment of curriculum in church-related schools. Tenn. Code Ann. § 49-50-801(b).

Registration/Licensing/Accreditation: Church-related schools are required to meet the standards of accreditation or membership of the Tennessee Association of Christian Schools, the Association of Christian Schools International, the Tennessee Association of Independent Schools, the Southern Association of Colleges and Schools, the Tennessee Association of Non-Public Academic Schools, or a school affiliated with Accelerated Christian Education, Inc. Church-related schools may voluntarily seek approval by the State Board of Education. Tenn. Code Ann. § 49-50-801.

The Commissioner of Education has the power to inspect, approve and classify private schools, K-12, upon request, provided that the same standards are used as for public schools. Tenn. Code Ann. § 49-1-201(19).

Recordkeeping/Reports: Principals and teachers of private, denominational or parochial schools must report to the local superintendent the names, ages and residence of all pupils in attendance at their schools within 30 days after the beginning of the school year. Tenn. Code Ann. § 49-6-3007(c).

All private and parochial schools shall keep daily reports of attendance, verified by the teacher making such record and open for inspection by the local superintendent. Tenn. Code Ann. § 49-6-3007(d). Private schools are under a duty to report promptly to the local superintendent the names of students who have withdrawn or who have been absent 5 days without adequate excuse. Tenn. Code Ann. § 49-6-3007(e).

Length of School Year/Day: Church-related schools must be conducted for the same length of term as public schools. Tenn. Code Ann. § 49-50-801(c).

Curriculum: Private high schools which offer a four-year course in literary branches must require every student to have one year of instruction in American history and government. Failure to comply will automatically remove the school from the list of accredited high schools. Tenn. Code Ann. § 49-6-1202.

Special Education: Every school district must test and examine, or cause to be tested and examined, each Tennessee resident attending a private school within its boundaries to determine whether such child is handicapped. Tenn. Code Ann. § 49-10-108.

The Department of Education is empowered to provide special schools and special classes in private schools, and transportation to and from school for physically handicapped, visually handicapped and crippled children. Tenn. Code Ann. § 68-12-109.

Blind students have the option of attending any private school that teaches the course of study used in the public schools, or a course of study adapted for the blind and approved by the Commissioner of Education. Tenn. Code Ann. § 49-6-3015(c).

A Special Education Services Association may make arrangements and pay private schools for services to handicapped children if the association is unable to provide satisfactory service with its own facilities or the facilities of member school districts. Tenn. Code Ann. § 49-10-205.

Health: The Commissioner of Health is authorized, subject to the approval of the public health council, to designate diseases against which children must be immunized prior to attendance at any school of Tennessee. Parents may file a written statement with the school authorities that such immunizations conflict with their religious tenets and practices. Tenn. Code Ann. § 49-6-5001.

Safety: Fire drills must be held at least twice a month in private schools. A record of all fire drills, including the time and date, must be kept in the respective school and made available upon request to the State Fire Marshal. Tenn. Code Ann. § 68-102-137.

All doors serving as exits must be kept unlocked during the periods that a building is occupied. Tenn. Code Ann. § 68-102-137.

It is a criminal offense in Tennessee for a student to carry a firearm, not for instruction or school-sanctioned ceremonial purposes, in a private school building, bus, campus or athletic field. Private school administrators must display in prominent locations a sign, at least 6 inches high and fourteen inches wide, stating: FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS ($3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY. Tenn. Code Ann. § 39-17-1309.

The chief administrative officer of any private, denominational or parochial school, who has probable cause to believe that any person has committed a drug-related offense on school grounds has a duty to report such probable cause to the local law enforcement official. Tenn. Code Ann. § 53-11-405(b).

Sentencing under a conviction for the sale of a controlled substance may be enhanced if the sale was to a minor within 1,000 feet of a private school building. Tenn. Code Ann. § 40-35-114.

School personnel having knowledge of any child who is suffering from any physical or mental condition which reasonably appears to have been caused by brutality, abuse or neglect, must report the harm immediately. Tenn. Code Ann. § 37-1-403.

School personnel who know or have reasonable cause to suspect that a child has been sexually abused must report such knowledge or suspicion. Tenn. Code Ann. § 37-1-605.

Community residential facilities that accommodate state or federal adult prisoners on release programs are prohibited within 1,000 feet of a private school in counties with populations of 750,000 or more, or counties having a metropolitan form of government. Tenn. Code Ann. § 41-22-128.

Public Aid for Private Schools/Private School Students: Admission to events or activities sponsored by private schools, K-12, is exempt from amusement tax. Tenn. Code Ann. § 67-6-330(a)(1).

TEXAS

Texas places only one curriculum requirement on private schools - instruction in good citizenship. Tex. Education Code Ann. § 21.033(a)(1).

Recordkeeping/Reports: Private schools must keep an individual immunization record for each student in attendance. The records must be open for inspection by the Central Education Agency, the local health department, or the Texas Department of Health. The records must be transferred to other schools when requested. Annual reports of the immunization status of students must be submitted at such time and in such manner prescribed by the Central Education Agency and the Texas Department of Health. Tex. Education Code Ann. § 2.091.

Private school administrators/designees have an obligation to report suspected criminal conduct occurring on school grounds or at school-sponsored activities to the local police/sheriff. Tex. Education Code Ann. § 21.303. Law enforcement agencies will notify the school principal of an arrest or conviction of delinquent conduct of an individual enrolled in a private school. Tex. Criminal Procedure Code Ann. 15.27(e).

Instruction in English: English is the basic language of instruction in all schools. Bilingual instruction may be offered when necessary to insure efficiency in English so as not to be educationally disadvantaged. Tex. Education Code Ann. § 21.109.

Curriculum: Students attending a private or parochial school are exempt from compulsory attendance at a public school if the school includes in its course a study of good citizenship. Tex. Education Code Ann. § 21.033(a)(1).

Special Education: Local school districts may contract with approved private facilities for residential special education services. Facilities are considered for approval based on a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. Facilities may be approved in whole or in part. Tex. Education Code Ann. § 21.506.

Health: Children may not be admitted to any elementary or secondary school unless they have been immunized as required by the Texas Board of Health, present an affidavit signed by a physician stating the immunization would be injurious to the health of the student or his family, or present an affidavit that the immunization conflicts with the tenets of his/her church or religious denomination. A religious exemption does not apply in times of emergency or epidemic. Tex. Education Code § 2.09.

The chief administrator of a private school must report the names of children suspected of having a communicable disease, i.e. diseases listed by the Texas Board of Health, to the local health authority or the Department of Health regional director. Tex. Health and Safety Code Ann. §§ 81.003(10); 81.042(c).

Safety: Municipalities with populations greater than 850,000 must provide school crossing guards to assist children going to or leaving a parochial or private elementary or secondary school. Tex. Civ. Stat. Art. 6701d-26 § 2(a).

Private schools are entitled to access the criminal history record on employees and applicants for employment. The school may obtain this information from the Department of Public Safety, the Texas Department of Criminal Justice, and the Federal Bureau of Investigation Identification Division. Private schools must notify the Commissioner of Education if a conviction of a felony or misdemeanor involving a child is disclosed for certificated personnel. Tex. Education Code Ann. § 5.002.

Private schools are entitled to obtain criminal history records through the Department of Public Safety for employees, applicants, or employee/applicants of public or commercial transportation contractors providing transportation for the private school. Tex. Government Code § 411.0975.

Private schools may participate in a missing child prevention and identification program in accordance with state provisions. Under the program, schools distribute program information to the parents and request written consent to take the child's fingerprints. Schools may charge a reasonable fee to cover the costs not to exceed $3. Tex. Education Code Ann. § 21.772 et seq.

The Central Education Agency administers the Missing Children Program to locate missing children enrolled in public and nonpublic schools. Accredited private schools are required to participate in the program. The program utilizes information received from the missing children and missing persons information clearinghouse. Tex. Education Code Ann. § 79.007.

It is a criminal offense to possess or consume alcoholic beverages on a public street, alley, or sidewalk within 600 feet of a facility that the person knows is a private school offering K-12 instruction. Tex. Alco. Bev. Code Ann. § 101.75.

Transportation: Street railways operating in cities of not less than twenty thousand inhabitants are required to sell tickets to children attending private schools for one-half of the adult fare when school is in session. Tex. Rev. Civ. Stat. art. 4008b; Tex. Rev. Civ. Stat. art. 6544.

Public Aid for Private Schools/Private School Students: The Texas Constitution prohibits the state legislature from granting public moneys to private associations or corporations. Texas Const. Art. 3, § 51. The Attorney General has ruled that this provision does not prevent a school district from

providing band lessons to private school students at a public school. Op. Atty. Gen. 1972, No. M-1074.

No money from the State Treasury or property belonging to the State may be appropriated for the benefit of any sect or religious society. Texas Const. Art. 1, § 7.

The Texas school fund may not be appropriated for the support of any sectarian school. Tex. Education Code Ann. § 15.12(b).

Teachers at private post-secondary institutions, trade, or technical schools under contract to provide instruction in vocational classes to public school students, are eligible for in-service teacher education opportunities provided by the State for public school teachers. Tex. Education Code Ann. § 21.1111(e).

Private school students must be screened to detect vision and hearing disorders and any other special senses or communication disorders specified by the Board of Health. The Department of Health may coordinate screening activities of private schools with school districts, state agencies and volunteer organizations so that efforts are complementary and not fragmented or duplicative, and provide screening personnel, equipment, and services if the requirements cannot be otherwise met. Tex. Health and Safety Code Ann. § 36.004.

Screening to detect abnormal spinal curvature is mandatory for private school children in grades 6 and 9. The Department of Health may coordinate screening activities and provide technical assistance and educational materials to assist private schools. Tex. Health & Safety Code Ann. § 37.001.

Schools not controlled by the state may purchase books from the state depository at the same rate and discount as the state. Tex. Education Code Ann. § 12.35(g).

Food products served by private schools, student organizations, and parent-teacher organizations are exempt from sales tax when served during the regular school day or during a fund-raiser when the proceeds do not benefit an individual. Tex. Tax Code Ann. § 151.314(d)(1).

Miscellaneous: Parochial and private schools are encouraged to celebrate Texas Week, the week of March 2, by working harder and raising the Texas flag each day. Tex. Civ. Stat. Art. 6144a.

UTAH

In Utah, local school boards determine what constitutes a regularly established private school. Opinion of the Attorney General, November 23, 1977.

Registration/Licensing/Accreditation: Local school boards are responsible for determining what constitutes a regularly established private school. Opinion of the Attorney General, November 23, 1977.

Recordkeeping/Reports: Private schools must retain official certificates of immunization for every student as part of the individual's permanent school record. The Department of Health provides official certificate forms. Utah Code Ann. § 53A-11-304.

Private schools have a duty to cooperate with employers by issuing age certificates or lists of students or recent students showing their dates of birth according to school records. Utah Code Ann. § 34-23-209.

In September and March of each year, accredited nonpublic schools must provide the County Clerk an estimate of the number of enrolled students who are 18 years of age or who will be 18 within 6 months. The County Clerk will provide sufficient by-mail voter registration forms, free of charge, to be disseminated to the students. Utah Code Ann. § 20A-2-302; 53A-3-402.5.

Curriculum: Private school students may enroll in public schools for dual enrollment purposes and participate in any academic activity subject to the same rules applicable to full-time students. Utah Code Ann. § 53A-11-102.5.

School districts maintaining driver education classes must allow private school pupils, grades 9-12, to enroll in driver education courses at the most accessible public school. Enrollment is on the same terms and conditions as apply to public school students. Utah Code Ann. § 53A-13-203.

Special Education: The State Director of Special Education is responsible for the general supervision of all public programs offered through private agencies for students with disabilities and has a duty to cooperate with private schools and agencies concerned with education and training students with disabilities. Utah Code Ann. § 53A-15-302.

Health: Students may not attend private K-12 schools without certification of immunization unless exempted for personal, medical, or religious reasons. Utah Code Ann. §§ 53A-11-301; 53A-11-302.

Immunization Records, see **Recordkeeping/Reports**.

Private K-12 schools may administer medication to students if policies and procedures are adopted in consultation with the Department of Health. The policies must provide for the designation and training of employees who administer medication, proper identification and safekeeping of medication, and the maintenance of records of administration. Medication may be administered only if the parent/guardian has provided a written request and the student's health professional has signed a statement describing the method, amount, and time schedule for the administration necessary during school hours. School employees in substantial compliance with the physician's orders are not civilly or criminally liable for a student's adverse reaction to the medicine or discontinuing the medicine following actual notice to the parent/guardian. Utah Code Ann. § 53A-11-601.

Private school administrators have a duty to report the name and address of a person suspected of having a communicable disease, and the facts relating to the case, to the Department of Health. Utah Code Ann. § 26-6-6.

Local health departments have the statutory authority to close private schools when necessary to protect the public health. Utah Code Ann. § 26A-1-114.

It is illegal to smoke or use tobacco on the property of a private elementary or secondary school with the exception that adults may smoke in designated areas during nonschool hours. Utah Code Ann. § 76-10-106.

Safety: Utah restricts the establishment of state liquor stores, package agencies, restaurants and private clubs serving liquor, and on-premise beer retailers in the proximity of private schools. Utah Code Ann. §§ 32A-2-101; 32A-3-101; 32A-4-101; 32A-5-101; 32A-10-201.

The Utah Fire Prevention Board establishes the minimum standards for the prevention of fire, the protection of life and property against fire, and panic in private schools. Utah Code Ann. § 53-7-204.

Law enforcement agencies have a duty to notify the administrator of a private school if an employee has been arrested for a controlled substance or sex offense. Utah Code Ann. § 53-5-218.

Private schools may require potential employees/volunteers to submit to a criminal background check through the Law Enforcement and Technical Services Division as a condition for employment or appointment and, where reasonable cause exists, schools may require an existing employee or volunteer to submit to a criminal background check. Only job-related convictions should be considered by the school. The private school must pay the cost unless the applicant has passed an initial review; is one of a pool of five candidates or less; and, has not been the subject of a criminal background check during the preceding two years. If an individual is denied employment based on the background check, the person has a right to written notice of the reasons for the denial and an opportunity to respond. Utah Code Ann. § 53A-3-410.

Possession of a weapon, explosive, flammable material, or other dangerous material in a private elementary or secondary school building, grounds, or area used for a school activity is a criminal offense unless approved by a responsible school official or used in an approved activity. Utah Code Ann. § 53A-3-502.

Utah's criminal code provides enhanced penalties for the use of a firearm in an offense committed on or about school premises. Utah Code Ann. § 76-3-203.2.

Anyone who knowingly assaults an employee or volunteer at a private school when the victim is acting within the scope of his employment is guilty of a class A misdemeanor. Utah Code Ann. § 76-5-102.3.

A person who enters or remains on private school property and is intent to cause harm, commit a crime, is reckless as to the safety of others, or enters or remains without authorization if notice against entry has been given, commits a misdemeanor of criminal trespass on school property. Utah Code Ann. § 53A-3-503. A person who is asked to leave by a school official and remains to disrupt an activity of a private school commits a misdemeanor. Utah Code Ann. § 76-9-106.

A teacher who has committed a sexual offense against a minor child and is ineligible for certification, may not be employed or permitted to volunteer in any position in a private school where the teacher would be in close proximity to minor children or interact with minor children. Utah Code Ann. § 53A-6-104.

The Administrator of Teacher Certification may provide a private school administrator with information in his possession which is significant in evaluating the employment of a current or prospective employee. Utah Code Ann. § 53A-6-106.

Private school students who participate in industrial education, physics laboratory, and chemistry laboratory activities that may endanger one's vision, must wear quality eye protective devices. Utah Code Ann. § 53A-13-103.

Transportation: The Utah Department of Transportation regulates the design and operation of school buses privately owned for use by private schools. Private schools and their employees are subject to the regulations. Utah Code Ann. § 41-6-115.

The Highway Patrol safety inspects biannually all school buses operated by private schools for the transportation of students. Utah Code Ann. § 53-8-211.

Public Aid for Private Schools/Private School Students: The Utah Constitution prohibits the appropriation of public money or property for religious instruction or for the support of any ecclesiastical establishment. Utah Const. Art. 1, Sec. 4. In addition, the Utah Constitution further prohibits appropriations by the state and its political subdivisions for the direct support of any religiously controlled school. Utah Const. Art. X, Sec. 9.

Miscellaneous: A private or parochial school may exempt itself from the state prohibition of corporal punishment by adopting a school policy and notifying the parent/guardians of the exemption. Utah Code Ann. § 53A-11-802.

The Superintendent of Public Instruction includes applicable private school data in his annual report to the Governor and the Legislature on the public school system. Utah Code Ann. § 53A-1-301.

VERMONT

Vermont distinguishes between "recognized independent schools" and "approved independent schools." Vt. Stat. Ann. tit. 16 § 1121.

Registration/Licensing/Accreditation: An independent school is defined by statute as "a school other than a public school, which provides a program of elementary or secondary education, or both." Vt. Stat. Ann. tit. 16, § 11(8). Private schools may apply for approval by the State Board of Education or file an enrollment notice as a recognized independent school.

The State Board of Education approves independent schools if the school provides a minimum course of study and substantially complies with the Board's rules for approved independent schools. The Board's rules require at a minimum: 1) adequate resources to meet the school's objectives, including financial capacity; 2) faculty qualified by training and experience in the areas assigned; 3) physical facilities and special services in accordance with state and federal law. Approval may be granted without state board evaluation if the school is accredited by a private, state or regional agency recognized by the State Board. Approval may be revoked or suspended, after opportunity for a hearing, for failure to comply with state requirements. Vt. Stat. Ann. tit. 16, § 166(b).

The State Board of Education is charged with adopting rules for approved independent schools relating to instruction, faculty, curriculum, libraries, educational materials and physical facilities, which are necessary to provide an acceptable educational opportunity for pupils in those schools. Vt. Stat. Ann. tit. 16, § 164(14).

A recognized independent school may operate in Vermont upon filing an enrollment notice with the State Commissioner of Education. The notice must include: 1) a statement that the school will be in session an amount of time substantially equivalent to public schools; 2) a detailed description of the minimum course of study for each grade level and how the annual assessment will be performed; and 3) assurances that the school maintains attendance records, maintains annual assessments of each pupil's progress that is reported to parents/guardians, provides the minimum course of study as provided by § 906 (See **Curriculum**), employs teachers and materials sufficient to carry out the educational program, and meets applicable state and federal laws concerning physical facilities and health and safety matters. An enrollment notice must be renewed annually unless the school has been recognized or accredited by a state approved organization for the purpose of recognizing and accrediting purposes. If a school is unable to comply with any requirement due to a deep religious conviction shared by an organized group, the commissioner may waive the requirement if the educational purposes are being met. Vt. Stat. Ann. tit. 16, § 166(c).

If the Commissioner has information that creates significant doubt that the school is able to meet the recognition requirements, or once in operation, is meeting the requirements, he may call a hearing for a determination on the matter. If a school fails to establish that it can meet or has met the requirements, the commissioner will require specific action to come into compliance or the students must attend another school, or the school may be closed for the remainder of the year. Vt. Stat. Ann. tit. 16,

§ 166(c).

Independent schools which offer kindergarten, but no other graded education, will be approved by the state if the school substantially complies with the board's rules for approved independent kindergartens. Vt. Stat. Ann. tit. 16, § 166(b)(1).

Recordkeeping/Reports: An approved independent school must provide parents/guardians a statement of its status under Vermont's approval requirements and a copy of Vt. Stat. Ann. tit. 16, § 166 prior to accepting any tuition payments. Vt. Stat. Ann. tit. 16, § 166(b)(3).

A recognized independent school must provide parents/guardians a copy of its currently filed statement of objectives and a copy of Vt. Stat. Ann. tit. 16, § 166 upon enrollment or September 1, whichever comes later. Failure to do so may create a permissible inference of false advertising.

Recognized independent schools and approved independent schools must provide the names and addresses of enrolled pupils to the Commissioner on October 1 of each year. The school must also notify the commissioner of the names and addresses of any pupils withdrawing from the school within 7 days of their withdrawal. Vt. Stat. Ann. tit. 16, § 166(b)(4), (c)(6).

See fire drill records under **Safety.**

Length of School Year/Day: Recognized independent schools must be in session an amount of time substantially equivalent to that required for public schools. Vt. Stat. Ann. tit. 16, § (c)(1)(A).

School year is defined under Vermont's general provisions as beginning July 1 and ending the next June 30. Vt. Stat. Ann. tit. 16, § 11(12).

Curriculum: Approved and recognized independent schools must provide learning experiences in the minimum course of study, i.e. learning experiences adapted to a pupil's age and ability in the fields of: 1) basic communication skills, including reading, writing, and the use of numbers; 2) citizenship, history, and government in Vermont and the United States; 3) physical education and comprehensive health education including the effects of tobacco, alcoholic drinks, and drugs on the human system and on society; 4) English, American and other literature; 5) the natural sciences; and, 6) the fine arts. Vt. Stat. Ann. tit. 16, § 906.

It is the Commissioner of Education's duty to distribute, at his discretion and upon request, forms and materials relating to the Vermont state basic competency program for elementary and secondary pupils to approved independent schools. Vt. Stat. Ann. tit. 16, § 212((12).

Subject to the approval of the commissioner, local superintendents of schools must arrange for the establishment of a driver education and training course for approved independent schools located within his/her supervisory jurisdiction at their request. Vt. Stat. Ann. tit. 16, § 1046.

Special Education: The Commissioner of Education establishes minimum standards of services for students receiving special education in independent schools; maximum rates to be paid by the department and school districts for tuition, room, and board, based on the level of services; and may advise independent schools as to the need for certain special education services in Vermont. Vt. Stat. Ann. tit. 16, § 2973.

Health: No person may enroll as a student in a Vermont school unless the appropriate person has received a record of certificate of immunization issued by a licensed physician or health clinic that the person has received immunizations appropriate to age as specified by the Vermont Department of Health. Exemptions to this requirement are allowed if the immunizations are in process, would be detrimental to the person's health or not appropriate, or contrary to the person's or parent/guardian's religious beliefs. Vt. Stat. Ann. tit. 16, §§ 1121, 1122.

Safety: Independent schools must drill the pupils once each month during the school year so that they may be able to leave the school building in the shortest possible time or without panic or confusion. A record of the date, time and time consumed in vacating the building shall be kept in the official school register and be open at all times for inspection by the Department of Labor and Industry or the Department of Education. A principal who wilfully neglects to comply will be fined not more than $20.00.

Independent schools may request the record of convictions of a prospective employee from the Vermont crime information center. The school must inform the prospective employee of his right to appeal the accuracy and completeness of the record. The Commissioner of Education will provide the independent school with a copy of the record or inform the independent school if no record exists. Vt. Stat. Ann. tit. 16, § 214.

Persons knowingly and unlawfully delivering or selling a regulated drug on a school bus or in real property comprising a private elementary, secondary, or vocational school will, in addition to any other penalty, be sentenced to a term of imprisonment of not more than ten years. Vt. Stat. Ann. tit. 18, § 4237.

Public Aid for Private Schools/Private School Students: State general aid may be used by a town school district or an incorporated school district for tuition to approved independent schools. Vt. Stat. Ann. tit. 16, § 3445.

The electorate of a school district that does not maintain an elementary school may grant authority to the school board to pay tuition for elementary pupils at approved independent nonresidential elementary schools upon request of the parent/guardian, if in the board's judgment the pupil's educational interests can be better served there than at another public school district. Vt. Stat. Ann. tit. 16, § 821

The electorate of a school district that does not maintain an approved high school may provide for the high school education of its pupils by paying tuition to an approved public or independent high school

The electorate of a school district that does not maintain an approved high school may provide for the high school education of its pupils by paying tuition to an approved public or independent high school selected by the parents or guardians of the pupil, within or without the state. Vt. Stat. Ann. tit. 16, § 822. The Vermont Supreme Court has held that a reimbursement of tuition to a sectarian high school under this provision is not prohibited by the Establishment Clause of the First Amemdment to the United States Constitution. Campbell v. Manchester Bd. of School Directors, 641 A.2d 352 (Vt. 1994).

School Districts will pay high school tuition charged its resident pupils who attend an independent school in Vermont that functions as an approved area technical center or an independent school meeting public school standards. Vt. Stat. Ann. tit. 16, § 824.

School Districts that do not maintain an approved public high school may designate an approved independent school as the public school of the district and pay the tuition charges to the independent school. If a parent/guardian is dissatisfied with the instruction, cannot obtain a course or instruction desired, or whose child can be better accommodated in an approved high school nearer to his home, he may request the school board to pay tuition to another approved high school. Vt. Stat. Ann. tit. 16, § 827.

Persons aggrieved by a school board's decision relating to tuition payments may appeal to the state board and its decision shall be final. Vt. Stat. Ann. tit. 16, § 828.

An independent school serving publicly placed students must notify the sending school board and the Commissioner of any proposed tuition increases on or before February 1 in any year. The increase will not become effective without the notice and not until the following school year. Vt. Stat. Ann. tit. 16, § 826.

The State Treasurer may issue bonds to assist independent schools meeting public school standards which serve as public high schools, receive their principal support from public funds, and are supervised by a board of trustees, two-thirds of the membership being appointed by the selectmen of a town or by the city council or both. Independent schools aggrieved by an allocation or award may appeal to the county superior court. Vt. Stat. Ann. tit. 16, §§ 3447, 3450. These independent schools may also apply to the State Board for construction aid for additions, alterations, and acquisition of facilities. Vt. Stat. Ann. tit. 16, § 3448.

Independent schools may participate in Vermont's school lunch program operating under federal programs. Vt. Stat. Ann. tit. 16, § 172. 1946-48 Op. Atty. Gen. 92.

Miscellaneous: Quasi-public or private elementary or secondary schools which directly or indirectly receive support from public funds are considered municipal employers under the Vermont Municipal Labor Relations Act. Vt. Stat. Ann. tit. 21, § 1735.

Superintendents, principals, and teachers must subscribe to an oath prior to discharging their duties. The oath affirms their support for the constitutions and the laws of the United States and Vermont.

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Foreign citizens serving as superintendents, principals or teachers are not required to take the oath. Vt. Stat. Ann. tit. 16, § 12.

Vermont has a council of independent schools to advise the commissioner on policies and procedures with respect to independent schools. The commissioner appoints the 11-member board. Nine members come from within the independent schools' community and two members from the community at large. At least three members must be representatives of recognized independent schools. Vt. Stat. Ann. tit. 16, § 166(d).

The State Librarian will deliver a published copy of the state papers of Vermont to the library of a private high school, upon request. Vt. Stat. Ann. tit. 3 , § 117.

Independent schools must annually conduct exercises in commemoration of the birth, life, and services of Abraham Lincoln on the last school day before February 12. Vt. Stat. Ann. tit. 16, § 907.

VIRGINIA

Virginia's Constitution allows public appropriations for the elementary and secondary education of students in nonsectarian private schools. Va. Const. Art. VIII, Section 10.

Registration/Licensing/Accreditation: The Board of Education is authorized to accredit private elementary, middle, and high schools at the request of the individual schools. Standards prescribed must reasonably take into account the special circumstances and factors affecting the private schools. Va. Code Ann. § 22.1-19.

Schools for students with disabilities must be licensed by the Board of Education unless otherwise approved or accredited. School facilities must be inspected and approved by the Board. At least one unannounced inspection of each residential school for children with disabilities must be made annually. Va. Code Ann. § 22.1-319 et seq.

Recordkeeping/Reports: Every teacher in Virginia must keep an accurate daily record of attendance of children enrolled. The record must be open for inspection and may be admitted into evidence for prosecutions of violations of the compulsory school attendance laws. Va. Code Ann. § 22.1-259.

Schools must record each student's immunizations on the school immunization record provided by the State Department of Health for the student's permanent record. The record must be kept open for inspection by the State Department of Health and the local health department. Within 30 days of the start of school, private schools must file a report with the local health department stating the number of students admitted with documentary proof of immunization, the number of students admitted with a medical or religious exemption, and the number of students conditionally admitted. Va. Code Ann. § 22.1-271.2E.

Length of School Year/Day: Virginia's compulsory attendance laws require children to attend school, public, private, denomination or parochial, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools. The length of the school term for public schools is 180 days or 990 hours. Va. Code Ann. § 22.1-254.

Discrimination: Private educational institutions that accept state funds may not deny admission, full and equal access, or the enjoyment of any educational or extracurricular program to an otherwise qualified person with a disability. Va. Code Ann. § 51.5-42.

Special Education: A school division may publicly place a disabled child in a nonsectarian private school approved by the Board of Education or another licensing agency if the school division is unable

to provide a free appropriate public education for the child. The school division will pay the reasonable tuition cost and other reasonable expenses and will be reimbursed 60 percent from state appropriated funds. Va. Code Ann. § 22.1-218A. The Education of the Handicapped Act, 20 U.S.C. § 1400 et seq. does not require Virginia to place handicapped children in nonapproved private schools. Schimmel ex rel. Schimmel v. Spillane, 819 F.2d 477 (4th Cir. 1987).

Health: No student may be admitted by a school unless the student submits documentary proof of immunization, an affidavit stating the immunizations conflict with the student's religious tenets, or certification from a physician that the immunization is detrimental to the student's health. Students may be admitted conditionally if their immunizations are incomplete and they submit a schedule for completion within 90 days. The State Health Commissioner has the authority to exclude children from school who are not immunized in the event of an outbreak, potential epidemic, or epidemic. Va. Code Ann. § 321-47.

The State Health Commissioner has the authority to inspect dining accommodations of private schools upon presentation of credentials and consent by the owner. Va. Code Ann. §§ 35.1-1; 35.1-5.

Safety: Employees of private schools who have reason to suspect that a child is an abused or neglected child must report the matter immediately to the local social services department of the county/city where the child resides or where the alleged abuse occurred. Va. Code Ann. § 63.1-248.3.

It is a criminal offense in Virginia to distribute any controlled substance, imitation controlled substance, or marijuana on the property of a private elementary or secondary school, within 1,000 feet of the school, or on any school bus. Va. Code Ann. § 18.2-255.2A.

Virginia's criminal code prohibits 1) the willful discharge of a firearm, unless justifiable by law; 2) brandishing a firearm in such a manner as to reasonably induce fear of being shot or injured; and 3) possession of a stun weapon, taser, or weapon other than a firearm, in any private or parochial elementary, middle or high school or within 1,000 feet of the school. Va. Code Ann. §§ 18.2-280B; 18.2-282A; 18.2-308.1.

It is a misdemeanor to possess a beeper or similar portable communications device on the grounds of any private elementary, middle or secondary school. Va. Code Ann. § 18.2-322.1A.

The Virginia Alcoholic Beverage Control Board may refuse to grant a liquor license if the location of the applicant would adversely affect the operations of a private or parochial school. Va. Code Ann. § 4.1-222.

The governing board of a private school must furnish protective eye devices, free or at cost, for students, teachers, and visitors participating in specified vocational or industrial arts shops or laboratories. Va. Code Ann. § 22.1-275.

Transportation: Parochial and private schools may not hire a school bus driver unless the individual meets the qualifications required of public school bus drivers and presents the necessary documentation. Va. Code Ann. § 22.1-180.

School buses transporting pupils to and from private or parochial schools, may not discharge pupils in a manner that the child must cross a highway with two or more roadways separated by a physical barrier or unpaved area, or a highway with five or more lanes with the center lane a flush median marked for turning traffic only. Va. Code Ann. § 46.2-918.

Public Aid for Private Schools/Private School Students: Under Virginia's constitution, no appropriation may be made to any school not owned or exclusively controlled by the State or a political subdivision; provided, the General Assembly may make appropriations for the elementary and secondary education of Virginia students in nonsectarian private schools. Va. Const. Art. VIII, Section 10.

Property owned by nonprofit institutions of learning and used primarily for educational purposes is exempt from State and local taxation. Va. Const. Art. X, Section 6(4).

Private, nonprofit nonsectarian schools are entitled to a refund on taxes paid for fuels used to transport children to and from school and educational or athletic activities. Va. Code Ann. § 58.2-2122.

Miscellaneous: By statute, one private school librarian serves on the nine-member State Networking Users Advisory Board to advise the State Librarian and the State Library Board on policies, standards, funding levels and requirements for use. Va. Code Ann. § 42.1-32.7.

Fairfax, Arlington, Dinwiddie and Prince George counties are authorized to tax admission charged for attendance at private elementary and secondary school-sponsored events, including events sponsored by school-recognized student organizations. Va. Code Ann. §§ 58.1-3817; 58.1-3818.

VIRGIN ISLANDS

The Virgin Islands defines private schools simply as schools supported by private funds; parochial and denominational schools are defined as schools supported by recognized parishes or religious communities, both of high moral standard. V.I. Code Ann. tit. 17, § 1

Registration/Licensing/Accreditation: The Commissioner of Education will accredit parochial or private schools on a voluntary basis if the building, equipment, curriculum and teaching personnel have "efficiency substantially equal" to public schools of like grade. The Commissioner will not issue a certificate of accreditation unless the Commissioner has conducted a qualitative review and assessment, and approved each program or course of study of the school; and, the school has submitted data on its facilities, financial resources, administrative capabilities and faculty to afford and require of students the completion of an educational program. Accredited schools are subject to annual inspections by the Commissioner to determine whether the school's standards have been maintained. Accredited schools must display the certificate of accreditation in a conspicuous place. The Commissioner may recognize a certificate of accreditation issued from recognized regional accrediting agencies. V.I. Code Ann. tit. 17, §§ 192, 193.

No nonpublic school may operate in the Virgin Islands without a certificate of operation. The criteria for operation need not be as high as those which qualify a school for a certificate of accreditation. The Department of Education will review all applications to operate nonpublic schools and issue the Certificate of Operation if the school satisfies the rules and regulations of the Virgin Islands Board of Education regarding: 1) the quality and content of educational courses proposed; 2) adequate space, equipment, instructional material, and personnel; 3) enrollment that is within reason; 4) instructors that hold credentials of their profession; 5) school compliance with local and federal regulations; 6) school records that show student attendance, progress, and financial stability; and, 7) a course outline given to students upon enrollment. V.I. Code Ann. tit. 17, § 194.

Recordkeeping/Reports: Private, denominational and parochial schools must report the name, age, and grade of every child enrolled and other requested information to the Department of Education at the opening of school and at other times when directed by the Commissioner. V.I. Code Ann. tit. 17, § 96.

Length of School Year/Day: The school year begins no earlier than the first Tuesday after the first Monday in August and ends not later than the last Friday in May, provided that the school calendar includes no less than 1080 hours of pupil instruction. Act No. 5961, April 6, 1994.

Students attending parochial, denominational or private schools regularly and punctually and enrolled in the appropriate grade are exempt from attendance in public schools. V.I. Code Ann. tit. 17, § 85.

Discrimination: Under the Virgin Islands' nondiscrimination statute, parochial and denominational schools may modify tuition expenses and give preference in admission to members of the religious body maintaining the school. V.I. Code Ann. tit. 10, § 5.

Teacher Certification: All persons teaching in nonpublic schools must be licensed by the Virgin Islands Board of Education. V.I. Code Ann. tit. 17, § 126.

Special Education: The Department of Education may contract with private schools to provide services to children with disabilities when the Department is unable to provide services. V.I. Code Ann. tit. 17, § 288.

Health: Health services, i.e., medical and dental health appraisals, vaccinations and immunizations, are provided to private and parochial school students prior to entrance into kindergarten or 1st grade, 5th grade and 9th grade, or upon entrance to the school if that pupil has not been previously examined at another school. V.I. Code Ann. tit. 17, § 111. Parents may provide health services at their own expense and furnish the physician's report to the Department of Education. V.I. Code Ann. 17, § 114.

Safety: Individuals apprehended for the distribution of a controlled substance within 1000 feet of a private or parochial school will be sentenced an additional minimum sentence of at least two years confinement. V.I. Code Ann. tit. 19, § 604.

Transportation: It is the policy of the Virgin Islands to provide free transportation to school for school-age children residing within and without the urban areas of the Virgin Islands. V.I. Code Ann. tit. 17, § 1; V.I. R. & Regs, tit. 17, § 101-1 et seq.

Public Aid for Private Schools/Private School Students: Government subsidies may be granted to nonpublic schools for strictly educational purposes, but not to denominational or sectarian schools. V.I. Code Ann. tit. 17, § 191.

Seniors attending accredited private or parochial high schools may apply for partial grants for educational or cultural class trips abroad. V.I. Code Ann. tit. 17, § 371.

Graduates from parochial high schools are eligible to apply for scholarships in nursing and related medical fields that are awarded by the Commissioner of Health. V.I Code Ann. tit. 17, § 180

Miscellaneous: Private elementary and secondary schools are subject to an annual license fee of $200. V.I. Code Ann. tit. 27, § 302.

The Commissioner of Education is responsible for disseminating materials to private and parochial school for the celebration of George Scott Day, Melvin H. Evans Day, Rothschild Francis Day, and Cyril Emmanuel King Day. V.I. Code Ann. tit. 1, § 180, 186-188.

Nonpublic school libraries may participate in the Virgin Islands Library Network, a cooperative, coordinated, multitype network of libraries located on the Virgin Islands. V.I. Code Ann. tit. 3, § 28d. In addition, private and parochial school libraries can access public government documents through depository libraries maintained by the Territorial Librarian. V.I Code Ann. tit. 3, § 883.

The Commissioner of Education has a statutory duty to promulgate rules and regulations to implement the Federal Family Educational and Privacy Rights Act as applicable to private schools to ensure privacy and confidentiality of student educational records. V.I. Code Ann. tit. 17, § 98.

WASHINGTON

The Washington legislature has recognized that private schools should be subject to only those minimum state controls necessary to ensure the health and safety of students and to ensure a sufficient basic education to meet usual graduation requirements. Wash. Rev. Code § 28A.195.010.

Registration/Licensing/Accreditation: The Washington Board of Education will accredit private schools that voluntarily apply for accreditation and meet established standards and procedures so long as no secret societies are knowingly allowed to exist among its students. Wash. Rev. Code § 28A.305.130(6).

Attendance at a private school complies with Washington's compulsory school attendance statute if the school is approved. Washington approves private schools based on their compliance with minimum requirements pertaining to (1) length of school year/day; (2) teacher certification; (3) safeguarding of permanent records; (4) compliance with reasonable health and fire safety requirements; (5) curriculum; and (6) an up-to-date policy statement regarding the administration and operation of the school. Wash. Rev. Code §§ 28A.305.130(6); 28A.195.010; 28A.225.010(1)(a).

Recordkeeping/Reports: Principals of private schools or superintendents of private school districts must file each year with the Superintendent of Public Instruction a statement certifying that minimum requirements are being met. (See above factors on approval.) If the private school notes any deviation from the minimum requirements, the State Superintendent will notify the school of the deviations which must be corrected. In case of major deviations, the school may request provisional status for one year to meet the requirements. Wash. Rev. Code § 28A.195.010.

Private schools must report the school's attendance to the Educational Service District Superintendent by June 30th of each year on forms provided. Wash. Rev. Code § 28A.195.060.

Private schools must take appropriate measures to safeguard all permanent records against loss or damage. Wash. Rev. Code § 28A.195.010(5).

Private K-12 schools must provide parents access to academic, attendance and disciplinary records, absent a court order to the contrary. Neither parent may veto the access requested by the other parent. Wash. Rev. Code § 26.09.225.

The county governing authority and the local school board has the right to obtain confidential information from private schools to provide requisite services for the developmentally disabled. Wash. Rev. Code § 71A.14.070.

See **Health**, Immunizations.

Private schools must maintain up-to-date policy statements regarding the administration and operation of the school. All decisions of policy, philosophy, school rules, and administration, unless specifically regulated under § 28A.195.010, are the responsibility of the administration of the particular private school. Wash. Rev. Code § 28A.195.010(8) et seq.

Length of School Year/Day: The minimum school year consists of not less than one hundred eighty school days or the equivalent in annual minimum program hour offerings, i.e. grades 1 thru 3, 2,700 hrs; grades 4 thru 6, 2,970 hrs; grades 7 thru 8, 1,980 hrs; grades 9 thru 12, 4,320 hrs. The state requirements relating to assigned percentages of total program hour offerings prescribed for public schools do not apply to private schools and private sectarian schools. Wash. Rev. Code § 28A.195.010(1), (2).

Discrimination: The Washington Board of Education denies approval to any private school engaging in a policy of racial segregation or discrimination. Wash. Rev. Code § 28A.195.040.

Teacher Certification: All classroom teachers must hold appropriate Washington state certification except teachers for religious courses or courses for which no counterpart exists in the public schools. In exceptional cases, people of unusual competence without certification may teach so long as a certified person exercises general supervision. Annual written statements must be submitted to the Superintendent of Public Instruction reporting and explaining such circumstances. Wash. Rev. Code § 28A.195.010(3).

Curriculum: Private school curriculum must include, but is not limited to, instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements. All selection of books, teaching material, curriculum (except as provided above) are the responsibility of the administration of the particular private school. Wash. Rev. Code § 28A.195.010(7) et seq.

Private schools may voluntarily choose to have their students master Washington's essential academic learning requirements, take state assessments, and obtain certificates of mastery, but are not required to do so. Wash. Rev. Code §§ 28A.195.010(6);28A.630.885.

Health: Attendance at private schools is conditioned upon proof of either (1) full immunization; (2) the initiation of compliance with a schedule of immunization; or (3) a certificate of exemption. Wash. Rev. Code § 28A.210.080. A private school's chief administrator, or his designee, must (1) retain each child's proof of immunization or certification of exemption while the child is enrolled; (2) retain records for three years of each child excluded from school for failure to comply with the immunization requirements; (3) file a written annual report on forms provided by the Department of Health on the immunization status of students enrolled; and (4) allow agents of the state and local health

to access the records during business hours for the purpose of inspection and copying. Wash. Rev. Code § 28A.210.110. Prior to the exclusion of a child, the private school must provide written notice to the parent/guardian concerning: (1) the immunization requirements; (2) prohibited attendance until compliance; (3) procedural due process rights as required by the state; and (4) immunization services available through the local health department and other public agencies. Wash. Rev. Code § 28A.210.120.

Private K-12 schools may administer oral medication to students but are not required to do so. If a private school administers medication, the school must develop policies, under the advice of a licensed physician or nurse, addressing: (1) the designated responsible employees; (2) parental requests and instructions; (3) in the case of medication for more than fifteen consecutive school days, a dentist's or physician's request and instructions; (4) identification of medicine; (5) safekeeping of medicines; and (5) maintaining records of the administration of medication. Parental and dentist/physician requests must be in writing and current. Employees administering medication must be trained by a professional and take precautions to determine that the medication appears to be in its original container and properly labeled. Wash. Rev. Code § 28A.210.260.

Private school employees administering oral medication to a student in compliance with state requirements are not liable in any criminal action or civil action for damages. The administration of oral medication may be discontinued without liability provided that the school's chief administrator or his designee has given notice in advance of the date of discontinuance to the parent/guardian. Wash. Rev. Code § 28A.210.270.

Private schools may provide for, but are not required to, the catheterization of students without liability provided they comply with requirements adopted by the state board of nursing, the school's own written policies, and state requirements. Wash. Rev. Code § 28A.210.280, 290, 295; § 41.56, 59.

State grants awarded to school districts under the Substance Abuse Awareness Program for drug and alcohol abuse prevention and intervention programs may be used to provide services for students enrolled in approved private schools. Wash. Rev. Code § 28A.170.090(2).

By statute, the Liquor Control Board does not intend to issue a retail liquor license to a proposed licensee if it would adversely affect an approved private school located within 500 feet. If a license is issued, the board will inform the private school of the reasons for issuing the license. Wash. Rev. Code § 66.24.010(9).

Safety: The physical facilities of a private school must be adequate to meet the program offered by the school. Each school building must meet reasonable health and fire safety requirements. Wash. Rev. Code § 28A.195.010(6).

The Washington Board of Education is under a statutory duty to provide instruction to private K-12 students to exit schools in a sudden emergency in the shortest possible time without confusion or panic. Wash. Rev. Code § 28A.305.130(11).

It is a criminal act in Washington to threaten to bomb or otherwise injure any private school, or to communicate any information concerning such a threat knowing the information is false with an intent to cause alarm. Wash. Rev. Code § 9.61.160.

The Superintendent of Public Instruction may appoint a school patrol from the student body of a private school to assist in school children crossing public highways. Wash. Rev. Code § 46.61.385.

Persons intentionally manufacturing, selling, delivering or possessing a controlled substance to a person in a school, school bus, within 1000 feet of a school bus stop, or within 1000 feet of the perimeter of the school grounds, may receive up to twice the usual fines and imprisonment. Wash. Rev. Code § 69.50.435.

Transportation: School buses operated by approved private schools are exempt from the payment of vehicle license fees. Wash. Rev. Code § 46.16.035.

Private school bus routes on highways divided into separate roadways and highways with three or more marked traffic lanes, must serve each side of the highway so that students do not have to cross the highway unless there is a traffic control signal or an adult crossing guard within three hundred feet of the bus stop. Wash. Rev. Code § 28A.160.115.

School districts may authorize students attending approved private schools to ride a public school bus to and from school if it can be accomplished without altering the bus routes or stops, seats are available, and the board of directors charges reimbursement for the actual per seat cost. Wash. Rev. Code § 28A.160.020.

Public Aid for Private Schools/Private School Students: School districts must permit private school students to enroll part time in the local public schools to take courses or receive ancillary services offered by the public school and not available in the private school. Wash. Rev. Code § 28A.150.350.

The Educational Service District Boards may give private schools access to the depository and distribution centers for films, tapes, charts, maps and other instructional materials so long as the schools pay the actual costs for services established by the board. Wash. Rev. Code § 28A.310.180.

Local school district boards may jointly make purchases with private schools for supplies, equipment, and services, including school bus maintenance services, so long as the private schools pay in advance their proportionate share of the costs involved. Wash. Rev. Code § 28A.320.080.

Private schools have the same rights as any other person to submit bids for the rental, lease, or sale of surplus real property owned by the local school districts. Wash. Rev. Code §§ 28A.336.040; 28A.335.120. Surplus texts and other education aids are also available to private schools. Wash. Rev. Code § 28A.335.180.

To qualify for exempt tax status for real or personal property, private schools must file an initial application on or before March 31 with the Washington Department of Revenue. To requalify, applicants must file a renewal application on or before March 31 of the fourth year following the initial application. Schools must annually file an affidavit on prescribed forms certifying the exempt status of the property. When a school acquires real property qualified for the exemption or converts real property to exempt status, the school must file an initial application for the property within 60 days, or bear a late filing penalty. Computer software is specifically exempt from property taxation by statute. Wash. Rev. Code §§ 84.36.815, 84.36.600.

Miscellaneous: By statute, Washington recognizes the rights of private schools to teach their religious beliefs, to pray, to teach patriotism, require students to salute the flag, and to require prior written consent by the parent/guardian for the administration of psychological testing or group therapy. Wash. Rev. Code § 28A.195.020.

Private schools may appeal the actions of the Washington Superintendent of Public Instruction or the Washington Board of Education. Wash. Rev. Code § 28A.195.030.

By statute, the Washington Board of Education has one member to represent the private schools who is by the members of the boards of directors of all private schools in the state that meet the minimum requirements of Wash. Rev. Code § 28A.305.010. The private school representative may not vote on matters affecting public schools. Wash. Rev. Code § 28A.305.010, .020, .050, .060, .070.

By statute, the Superintendent of Public Instruction is directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various private school groups in the state of Washington. Wash. Rev. Code § 28A.195.050.

Washington's fourteen-member Athletic Health Care and Training Council includes one member who is a representative of a private school which conducts junior and senior high school athletic programs. The council provides standards and guidelines for the health and safety of participants in organized athletics conducted in the high schools and junior high schools. Wash. Rev. Code § 43.230.010.

WEST VIRGINIA

It is the public policy of West Virginia in matters of education that no human authority control or interfere with the rights of conscience or religious liberty. W. Va. Code § 18-28-1. Private schools may be approved by the state or comply with Chapter 18, Article 28.

Registration/Licensing/Accreditation: Attendance at an approved private or parochial school exempts students from compulsory public school attendance. W. Va. Code § 18-8-1. In lieu of the approval requirements, private, parochial or church schools may elect to comply with Chapter 18, Article 28 and administer a comprehensive test of basic skills on an annual basis. See **Curriculum**, Testing. If a school complies with Article 28, no other education provisions apply except requirements respecting fire, safety, sanitation and immunization. W. Va. Code § 18-28-6.

Recordkeeping/Reports: Approved private and parochial schools serving students in lieu of public school are required to furnish county boards of education any information and records requested regarding attendance, instruction, and progress of pupils under 16 years of age. W. Va. Code § 18-8-1. Private, parochial and church schools are required to maintain annual attendance and disease immunization records for each pupil enrolled. Attendance records must be made available to parents/guardians. Upon request of the County Superintendent of Schools, the school must furnish a list of names and addresses of all students between 6 and 16 years of age. W. Va. Code § 18-28-2.

New schools operating under Chapter 18, Article 28, must send the State Superintendent of Schools a notice of intent to operate, name and address of the school, and name of the school's chief administrator. Schools must also notify the Superintendent upon termination. W. Va. Code § 18-28-5.

Length of School Year/Day: Approved private and parochial schools serving students in lieu of public school must be open for a time equal to the county school term. W. Va. Code § 18-8-1. Private, parochial or church schools that are not approved must observe a minimum instructional term of 180 days with an average of five hours of instruction per day. W. Va. Code § 18-28-2.

Instruction in English: The basic language of instruction for approved private and parochial schools is the English language. W. Va. Code § 18-2-7.

Curriculum: Approved private, parochial and denominational schools are required to provide at least one year of instruction in West Virginia history prior to completion of the eighth grade. In addition, such schools must require regular courses in the history of the United States in civics, the constitution and the government of both West Virginia and the United States by the completion of the twelfth grade.

The boards of private, parochial and denominational schools have a duty to prescribe courses covering these subjects similar to those required in the public schools. W. Va. Code § 18-2-9.

Private and parochial schools are required to use a state prescribed course of study in fire prevention. W. Va. Code § 18-2-8.

Driver education courses offered by private, parochial, or denominational schools must comply with minimum standards established by the State Board of Education. W. Va. Code § 18-6-3.

Private, parochial and church schools may elect to administer a standardized test on an annual basis in lieu of approval requirements. The school administrator may select the comprehensive test of basic skills, the California Achievement Test, the Stanford Achievement Test or the Iowa Tests of Basic Skills/Tests of Achievement and Proficiency. All students between the ages of 6 and 16 must be tested. Student test results and the school composite test results must be made available to parent/guardians. Upon request, the school composite test results must be furnished to the State Superintendent of Schools. Each of these schools must establish curriculum objectives and provide an instructional program to develop the students' potential for becoming literate citizens. If a school's composite test results fall below the fortieth percentile, the school must initiate a remedial program. If the results are not raised above the fortieth percentile level after two consecutive calendar years, attendance at the school may no longer satisfy the compulsory school attendance requirement. W. Va. Code § 18-28-3. Private, parochial or church schools complying with these provisions may participate in any state operated program made available by law. W. Va. Code § 18-28-4.

Special Education: The State Superintendent of Schools is responsible for assuring that all exceptional children in private schools receive an education in accordance with state and federal laws. W. Va. Code § 18-20-5(5).

Health: County boards of education may provide screening tests for vision, hearing, speech and language disabilities upon request for children entering nonpublic schools. W. Va. Code § 18-5-17(a).

It is a misdemeanor to permit the use of a common drinking cup in parochial or private schools. W. Va. Code § 16-9-1.

Safety: Private, parochial and church schools are subject to reasonable fire, health, and safety inspections by state, county, and municipal authorities as required by law. W. Va. Code § 18-28-2.

The state fire marshall will inspect all private schools for fire exits and reasonable safety standards and report his findings and recommendations to the proper administrative heads. W. Va. Code § 29-3-12(d).

A person 18 or older convicted of a felony for distribution of a controlled substance within 1,000 feet of the real property of a private elementary or secondary school, if incarcerated, is ineligible for parole for 2 years. W. Va. Code § 60A-4-406(a).

It is a misdemeanor to possess a firearm or other deadly weapon on a school bus or in or on any school building, structure, facility or grounds, except for law enforcement officers in their official capacity, persons authorized by the county board of education or school principal to conduct a program with a valid education purpose, and under some circumstances a person possessing or leaving locked-up an unloaded firearm or other deadly weapon in a motor vehicle. It is a felony to possess any firearm or any other deadly weapon with the intent to commit a crime. Revocation or denial of a motor vehicle license or instruction permit is among possible penalties. It is a misdemeanor for a parent, custodian or legal guardian of a minor, who knows that the minor has violated this provision, or has reasonable cause to believe that a violation is eminent, not to report the belief to the school or law enforcemt officials. W. Va. Code § 61-7-11a.

Transportation: County boards of education have the authority to provide at public expense transportation for all school age children who live more than two miles distance from school. W. Va. Code § 18-5-13(60)(a).

Private, parochial, and church schools must comply with the West Virginia school bus safety regulations. W. Va. Code § 18-28-2.

Public Aid for Private Schools/Private School Students: The sale of textbooks, tangible personal property and services for nonprofit elementary and secondary schools, and food bought for and sold to students is exempt from consumers sales tax. W. Va. Code § 11-15-9.

County boards of education may provide state-adopted textbooks for pupils enrolled in private schools whose parents are unable to provide textbooks. W. Va. Code § 18-5-21b.

Miscellaneous: Private and parochial secondary schools may elect to join the West Virginia Secondary School Activities Commission for interscholastic athletic events and band activities on the same basis as public schools. W. Va. Code § 18-2-25.

WISCONSIN

Wisconsin's curriculum requirements recognize a private school's right to include or exclude subject matter according to the schools' religious doctrines. Wis. Stat. Ann. § 118.65(d).

Registration/Licensing/Accreditation: Wisconsin will approve an institution's educational program as a private school, on request, if the school complies with the statutory definition of private school. Wisconsin's criteria for a private school is: 1) the primary purpose is to provide private or religious-based education; 2) the program is privately controlled; 3) the program provides at least 875 hours of instruction each school year; 4) the program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health; 5) the program is not operated or instituted to circumvent the compulsory school attendance requirement; and, 6) the pupils return home annually for not less than 2 months of summer vacation, or the institution is a licensed child welfare agency. Wis. Stat. Ann. § 118.165.

If an accrediting agency submits an affidavit that a private educational institution meets the criteria of § 118.165 above, and the state superintendent attests that the institution meets or exceeds the criteria, the Superintendent shall determine that the institution is a private school. Wis. Stat. Ann. § 118.167.

Recordkeeping/Reports: By October 15, private school administrators must report to the Department of Public Instruction the school enrollment on the 3rd Friday of September. Based on this information, the Department will prepare reports to enable the private schools to made projections for school buildings, teacher supply, and necessary funds. In addition, private schools must report whether the school meets the criteria under 118.165(1) (cited above). Reporting forms are provided by the Department. Wis. Stat. Ann. § 115.30.

Private schools must maintain records required under 115.30(2) and 120.18. Records must be open to inspection of school attendance officers. When requested, the private school must provide information regarding any pupil enrolled. Wis. Stat. Ann. § 118.16(3).

Private schools must provide all necessary information and reports to the local school board, when requested, to assist in coordinating public and private school bus transportation. Wis. Stat. Ann. § 121.56.

See also **Safety**, annual reports of fire drills.

Length of School Year: According to Wisconsin's statutory definition of private school, a private school must provide at least 875 hours of instruction each school year. Wis. Stat. Ann. § 118.165(c).

Teacher Certification: Private schools are not obligated to employ licensed or certified teachers. However, the State Superintendent of Public Instruction has the authority to certify teachers employed at private schools. Wis. Stat. Ann. § 115.28(7)(b).

Curriculum: According to Wisconsin's statutory definition of private school, the private school must provide a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science, and health. This requirement does not mandate teachings in conflict with the school's religious doctrines or exclude any teachings consistent with the school's religious doctrines. Wis. Stat. Ann. § 118.65(d).

Private schools must display the U.S. flag during school hours. The pledge of allegiance must be recited in grades 1-8 at the beginning of school at least one day per week. No student may be compelled to recite the pledge against his objections or his parent/guardian's objections. Wis. Stat. Ann. § 118.06.

Special Education: Wisconsin may authorize the payment of board, lodging, and transportation costs for nonresident students with exceptional educational needs who are enrolled in private, nonsectarian special educational programs. Wis. Stat. Ann. § 115.88(3).

Health: School buildings, including parochial schools, may be inspected for communicable diseases under a warrant. Wis. Stat. Ann. § 143.02(1). 1908 Op. Atty. Gen. 650.

Employees at private and parochial schools (grades 1-12) must have a physical examination, including a chest x-ray or tuberculin test, prior to employment. Wis. Stat. Ann. § 143.16.

Safety: Private schools are required to conduct fire drills monthly unless inclement weather endangers the health of the students. Private schools are required to file an annual report on forms provided documenting the drills. The report must be filed with the Department of Industry, Labor and Human Relations and the local fire department. Wis. Stat. Ann. § 118.07(2).

No person may possess or consume alcoholic beverages on school premises. No one may possess or consume alcoholic beverages in a motor vehicle if a pupil is present or while at a school-sponsored activity unless approved by the school superintendent in writing. Wis. Stat. Ann. § 125.09.

Licenses to serve or sell alcoholic beverages may be restricted on premises located within 300 feet of a public or parochial school. Wis. Stat. Ann. § 125.68(3).

Private and parochial school employees are prohibited from conducting a strip search of any pupil. Wis. Stat. Ann. § 118.32; 948.50.

Private schools must maintain a standard first aid kit for emergencies. Wis. Stat. Ann. § 118.07(1).

School warning signs will be placed on any street bordering a private school by the street maintenance authority. The authority may also designate school crossings. Wis. Stat. Ann. § 118.08.

Transportation: With some exceptions, school boards operating high schools must provide transportation for private school students if they reside within the private school attendance area but 2 miles or more from the school, and not more than 5 miles beyond the boundaries of the school district. Wis. Stat. Ann. § 121.54(2).

By April 1 of each year, each private school must submit its proposed attendance area for the next school year to the school board of each school district having territory within the proposed attendance area. If no proposal is submitted, the existing attendance area remains in effect. Wis. Stat. Ann. § 121.54(2)(b)3.

By May 15 of each year, each private school must notify the school board of the names, grade levels, locations of all pupils, if any, eligible to have transportation for the next term. The deadline may be extended by the school board. Wis. Stat. Ann. § 151.54(2)(b)4.

School boards must provide transportation for children with exceptional educational needs who attend private schools if the request for transportation is approved by the state superintendent. Approval is based on whether the child can walk to school with safety and comfort. Wis. Stat. Ann. § 121.54(3).

School boards providing transportation to private school pupils may do so by contract with the proper officials of any private school or school association. Wis. Stat. Ann. § 121.55.

School boards may provide transportation for private school extracurricular activities if the private school reimburses the board for the costs. Wis. Stat. Ann. § 121.54(7).

The local school board coordinates public and private school transportation to ensure the safety and welfare of the pupils. Wis. Stat. Ann. § 121.56.

Private schools operating school buses must maintain an insurance policy covering bodily injury and property damage. Wis. Stat. Ann. § 121.53.

Public Aid for Private Schools/Private School Students: The Wisconsin Constitution prohibits any withdrawal from the state treasury for the benefit of religious societies or religious or theological seminaries. Wis. Const. Art. 1, Sec. 18. The term "religious seminaries" has been interpreted to include nonpublic schools where religious instruction is provided. State ex rel. Reynolds v. Nusbaum 115 N.W.2d 761 (1962).

Wisconsin's Constitution expressly permits the state legislature to provide transportation for children to and from any parochial or private school. Wis. Const. Art. 1, Sec. 23.

Parent/guardians may request the school board to provide a child with a program modification which includes enrollment in any nonsectarian private school located in the school district which complies with Federal civil rights laws. Wis. Stat. Ann. § 118.15((1)(d).

School Districts may allow private school pupils to participate in public school remedial programs. Op. Atty. Gen. 45-86, Nov. 14, 1986.

Miscellaneous: Parochial and private school administrators, principals, pupil services professionals and teachers are not liable for referring pupils to law enforcement authorities or removing pupils from school or school-sponsored activities for suspicion of possession, distribution or consumption of alcohol or a controlled substance. Wis. Stat. Ann. § 118.257.

Building inspectors may distinguish between public and private high schools when issuing building permits for private high schools based on the general welfare of the community. State ex rel. Wisconsin Lutheran High School Conference v. Sinar, 65 N.W.2d 43 (1954).

WYOMING

The Wyoming compulsory attendance statute clarifies that its provisions do not grant the state of Wyoming or its officers any right to control, manage, supervise or make any suggestions as to the control, management or supervision of any parochial, church or religious school. Wyo. Stat. § 21-4-101.

Registration/Licensing/Accreditation: The State Board of Education is charged with the responsibility of licensing nonsectarian private schools. Wyo. Stat. § 21-2-304. A license issued to a private school permits the school to solicit, offer, and maintain courses of instruction. Wyo. Regs. Chapter 18, § 5(c). The licensing provisions, Wyo. Stat. §§ 21-2-401 through 21-2-407, authorize minimum standards, licensing fees, and mandate a $10,000-50,000 performance bond. Wyo. Regs. Chapter 18, § 17. The provisions do not apply to parochial, church or religious schools. Wyo. Stat. § 21-2-406.

Recordkeeping/Reports: Licensed nonreligious private schools are required to submit an annual report to the State Board of Education which includes the following: (a) dropout rates for grades 9 through 12; (b) school averages for standard achievement tests; (c) the number of hours of classroom instruction; (d) the school's recommended course of study for college-bound students and percent of students who have successfully completed the course of study; (e) the types of and number of participants in parent and community involvement programs within the school; (f) the number of parental visits to the schools; (g) the number of students involved in extra-curricular activities and events; (h) the percentage of the school's budget spent on instruction, instructional support, general support and community support; (i) school goals for the year; (j) a description of efforts being made to reform, restructure and improve the educational quality and equity in the school, including teacher recommendations; and, (k) any other information the school believes relevant to the parents' understanding of the performance of the school. Wyo. Regs. Chapter 18, § 15.

Length of School Year/Day: To satisfy the compulsory attendance law, a private school must be open during the entire time that the public schools are in session in the district in which the pupil resides. (Public schools are required by statute to operate 175 days each school year unless an alternative schedule is approved by the state board.) Wyo. Stat. §§ 21-4-102(a); 21-4-301.

Teacher Certification: All professional educational staff members in licensed nonreligious private schools must have certificates with the necessary endorsements covering specific assignments and be assigned in accordance with the certificates and endorsements, except if any staff member does not qualify for certification or endorsement, the private school must notify all parents and the public that their teachers are not certified by the state. Wyo. Regs. Chapter 18, § 12.

Curriculum: All students in licensed non-religious private schools must meet the student performance standards at the level set by the school in: (a) Language Arts; (b) Social Studies; (c) Mathematics; (d) Science; (e) Fine Arts and Performing Arts; (f) Physical Education; (g) Health and Safety; (h) Humanities; (i) Career Options; (j) Foreign Cultures Including Language; and, (k) Applied Technology. Wyo. Regs. Chapter 18, § 7.

All students in licensed nonreligious private schools must meet the student performance standards at the level set by the school in the following skills: (a) Problem Solving; (b) Interpersonal Communications; (c) Keyboarding and Computer Applications; (d) Critical Thinking; (e) Creativity; (f) Life Skills, Including Cardiopulmonary Resuscitation. Wyo. Regs. Chapter 18, § 8.

Licensed non-religious private schools must provide instruction in the essentials of the United States Constitution and the Constitution of the State of Wyoming, including the study of and devotion to American institutions and ideals. Wyo. Regs. Chapter 18, § 9.

Special Education: State law authorizes the public placement of children in a private agency, if the local school district cannot provide the necessary and appropriate programs and services. Wyo. Stat. § 21-2-502.

Health: Students attending K-12 private schools must provide documentary proof of immunization within 30 days after school entry. School administrators must not permit a student to attend school beyond that time without proper immunization. Wyo. Stat. § 21-4-309. Wyo. Reg. 204.

Safety: Private schools are required to conduct a fire drill at least once every month. If a paid fire department is maintained in the area, the school must request a representative to attend and offer instruction and constructive criticism. Wyo. Stat. § 35-9-505.

It is illegal to operate a commercial oil field waste disposal facility within one mile of a private school without the school's consent. Wyo. Stat. § 35-11-306.

Public Aid for Private Schools/Private School Students: The Wyoming Constitution prohibits appropriations from the public school fund for any private school, or school controlled by a church or sectarian organization or religious denomination. Wyoming Const. Art. 7, § 8.

COMPARISON CHARTS

CHART 1: STATE OVERSIGHT OF PRIVATE SCHOOLS

STATE	Registration	Approval	Accreditation	Licensing
Alabama	mandatory			mandatory with broad exemptions
Alaska				
Arizona				
Arkansas				
California				
Colorado			voluntary acknowledgement	
Connecticut		voluntary		
Delaware				
District of Columbia		mandatory		
Florida				
Georgia				
Hawaii		mandatory		
Idaho				
Illinois	voluntary	voluntary		
Indiana[1]			voluntary	
Iowa			See below.[2]	
Kansas	mandatory unless accredited		voluntary	
Kentucky[3]				
Louisiana		voluntary		
Maine		voluntary	voluntary	

[1]Indiana has a voluntary recognition process for nonpublic schools.

[2]Iowa private schools have the option of state accreditation or operating with licensed instructors.

[3]Kentucky law provides for the voluntary certification of private, parochial and church schools.

STATE	Registration	Approval	Accreditation	Licensing
Maryland		mandatory, church schools exempt		
Massachusetts		mandatory[4]		
Michigan		mandatory		
Minnesota				
Mississippi		mandatory for schools receiving public funds		
Missouri				
Montana			voluntary	
Nebraska[5]		voluntary	voluntary	
Nevada				mandatory with exemptions[6]
New Hampshire		mandatory		
New Jersey		mandatory on a limited basis		
New Mexico			voluntary	
New York	mandatory for nonpublic highschools issuing diplomas only			
North Carolina[7]			voluntary	

[4]Massachusetts law requires mandatory approval of private schools by the local school committees.

[5]Nebraska private schools have the option of approval or accreditation; and, if these options violate the parent's religious beliefs, parents can elect to comply with other state requirements.

[6]Nevada nonprofit fraternal or benevolent institutions offering instruction to their members or their immediate relatives are exempt from licensing subject to the approval of the State Department of Education.

[7]North Carolina private schools must file a notice of intent to operate within the state.

STATE	Registration	Approval	Accreditation	Licensing
North Dakota		mandatory	voluntary	
Ohio[8]				
Oklahoma			voluntary	
Oregon	voluntary	mandatory for public placement for special education services		private school residential programs only
Pennsylvania	mandatory for sectarian schools			mandatory for nonsectarian schools unless accredited
Puerto Rico			voluntary	mandatory
Rhode Island		mandatory		
South Carolina		voluntary[9]		
South Dakota		voluntary	voluntary	
Tennessee		voluntary	mandatory, unless membership in specified associations	
Texas				
Utah			voluntary	
Vermont		voluntary		
Virginia			voluntary	mandatory for special education schools unless approved/ accredited

[8]Ohio private schools are chartered on a voluntary basis by the State Board of Education.

[9]South Carolina private schools have the option of state approval or membership in the South Carolina Independent School Association or a similar organization. Parochial, denominational and church-related schools are exempt.

STATE	Registration	Approval	Accreditation	Licensing
Virgin Islands[10]			voluntary	
Washington		mandatory	voluntary	
West Virginia		mandatory, with alternative		
Wisconsin		voluntary		
Wyoming				mandatory for nonreligious elementary and secondary schools

[10]The Virgin Islands' laws provide for mandatory certificates of operation issued by the Department of Education.

CHART 2: STATE-MANDATED EDUCATIONAL REQUIREMENTS

STATE	Length of School Year	Teacher Certification	Mandated Subjects
Alabama	yes	private schools, but not church schools	yes
Alaska	yes	nonexempt private schools only	yes
Arizona	yes		
Arkansas			yes
California			yes
Colorado	yes		yes
Connecticut			yes
Delaware			yes
District of Columbia	yes		
Florida	yes		
Georgia	yes		yes
Hawaii		all private schools	
Idaho	yes	all private schools	yes
Illinois	yes		yes
Indiana	yes		accredited schools only
Iowa	yes	yes	accredited schools only
Kansas	yes		yes
Kentucky	yes		yes
Louisiana	yes	See below.[1]	yes
Maine	yes	approved private schools	yes
Maryland	yes		yes

[1]Louisiana private schools accepting public aid must employ teachers that qualify under Board standards.

STATE	Length of School Year	Teacher Certification	Mandated Subjects
Massachusetts	may be regulated by the local school committee		
Michigan	no	teacher's certificate or permit[2]	yes
Minnesota	yes	several options allowed besides licensing	yes
Mississippi	no	required only for nonpublic schools that choose to be approved	
Missouri			yes
Montana	yes		yes
Nebraska	yes	teachers at accredited and approved schools must have certificates or permits	yes
Nevada			yes
New Hampshire	yes		yes
New Jersey	yes		yes
New Mexico	yes		
New York	yes	mandatory only for teachers at approved private schools offering special education	yes
North Carolina	yes	accredited schools only	
North Dakota	yes	all parochial and private school teachers	yes

[2]Michigan private school teachers must have a teacher's certificate or permit unless one has a sincerely held religious belief objecting to the certification requirement.

STATE	Length of School Year	Teacher Certification	Mandated Subjects
Ohio	yes	nontax-supported and nonchartered schools have differing standards for certification	chartered schools only
Oklahoma			
Oregon	yes	one of several options to show qualifications	yes
Pennsylvania	yes	private licensed academic schools	yes
Puerto Rico	yes	required for accredited schools; licensed schools may utilize provisional certificate	yes
Rhode Island	yes		yes
South Carolina			
South Dakota	yes		yes
Tennessee	yes		yes
Texas			oonly one course[3]
Utah			
Vermont	recognized independent schools only		yes
Virginia	yes		
Virgin Islands	yes	yes	
Washington	yes	with some exceptions	yes
West Virginia	yes		yes
Wisconsin	yes	no	yes
Wyoming	yes	nonreligious schools must give public notice if teachers are not certified	nonreligious schools only

[3]Texas law requires private schools to provide a study of good citizenship.

CHART 3: PUBLIC ASSISTANCE TO PRIVATE SCHOOLS AND PRIVATE SCHOOL CHILDREN

STATE	Textbook Loans	Transportation	Auxiliary Services	Constitutional Prohibition on Public Aid
Alabama				yes
Alaska		yes		yes
Arizona				yes
Arkansas				yes
California		yes	yes	yes
Colorado			yes	yes
Connecticut	yes	yes	yes	yes
Delaware		yes	yes	yes
District of Columbia				
Florida			yes	yes
Georgia				yes
Hawaii				yes
Idaho		ruled unconstitutional		yes
Illinois	yes	yes	yes	yes
Indiana	yes	yes		yes
Iowa	students attending state accredited schools only	students attending state accredited schools only	yes	
Kansas		yes	yes	yes
Kentucky				yes
Louisiana	yes	yes	yes	
Maine	yes	permissible	yes	
Maryland			yes	

STATE	Textbook Loans	Transportation	Auxiliary Services	Constitutional Prohibition on Public Aid
Massachusetts	no	yes	yes	yes
Michigan		permissible	yes	yes
Minnesota	yes	yes	yes	
Mississippi	yes			yes
Missouri			yes	yes
Montana		permissible		yes
Nebraska	yes	yes	yes	yes
Nevada		permissible		yes
New Hampshire	yes	yes	yes	yes
New Jersey	yes	permissible	yes	
New Mexico	yes			yes
New York	yes	under certain circumstances	yes	yes
North Carolina				
North Dakota		permissible		
Ohio	yes	permissible	yes	yes
Oklahoma				yes
Oregon		yes	yes	yes
Pennsylvania	yes	yes	yes	yes
Puerto Rico				yes
Rhode Island	yes	yes		
South Carolina				yes
South Dakota				
Tennessee			yes	
Texas			yes	yes
Utah				yes
Vermont				
Virginia				yes
Virgin Islands			yes	

STATE	Textbook Loans	Transportation	Auxiliary Services	Constitutional Prohibition on Public Aid
Washington		permissible	yes	
West Virginia	yes	yes[1]	yes	no
Wisconsin		with some exceptions	yes	yes
Wyoming				yes
Puerto Rico				yes
Virgin Islands		yes	yes	See below.[2]

[1]West Virginia provides transportation to private school students or payment in lieu of transportation.

[2]The Virgin Islands prohibits government subsidies to denominational or sectarian schools by statute.

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